

Best Practice:  
**Statewide Portal Guidelines**  
(Category: Consistency)

**Background:** FS 28.22205 requires Clerks to implement an electronic filing process to offset “judicial costs in the office of the clerk and the judiciary, increase timeliness in the processing of cases, and provide the judiciary with case-related information to allow for improved judicial case management”. See also FS 27.5112 & 27.341 (requiring State Attorneys and Public Defenders to electronically file with and receive documents from Clerks); Fla. R. Jud. Admin. 2.515 (signature of attorney and parties); Fla. R. Jud. Admin. 2.516 (electronic service); and Fla. R. Jud. Admin. 2.525 (electronic filing).

The statewide portal is located at [www.myflcourtaaccess.com](http://www.myflcourtaaccess.com) and provides a secure login for attorneys (and pro-se litigants in the future) for web access to electronically transmit documents to Clerks and to receive notifications about filings. Clerks want to provide filers with as much consistency as possible so that their electronic filing experiences, regardless of the counties in which they file, are similar, minimizing the inevitable differences between counties due to factors not under clerk control and this best practice focuses on uniform implementation standards to achieve simplicity for filers. This minimizes differences in electronic filing processes between counties and provides efficiency benefits to filers and Clerks.

Attachment “A” to this Best Practice is the recommendation of a workgroup of Clerks and Clerk staff to achieve consistency by providing standardized case and sub types and document groups on the portal. For civil case and sub types, the group used the Summary Reporting System (SRS) model; see SRS manual for more information. The workgroup examined commonly-filed documents in both civil and criminal cases, to establish standardized document groups. Counties can compartmentalize their local docket descriptions in the standardized groups. This will enable the filer to quickly locate their document and help with accuracy by having standardized groups to choose from. This does not apply to clerks using simple e-filing as clerk staff that reviews the e-filings will select the correct document type that conforms to state standards and fits their respective case maintenance systems.

**Recommendations:** The Best Practices Committee, appointed by the President of the Florida Court Clerks and Comptrollers (FCCC), recommends that the following guidelines are implemented by the Clerks of the Circuit Court in the State of Florida in compliance with the above requirements of Florida law.

- A. Communicate with all involved to ensure a focused effort
  1. Consider joining the statewide electronic filing forum to discuss electronic filing issues with other Clerks, learn about their experiences, and share documents.
  2. Discuss your plans and progress with the judiciary, not only to consider the impact that electronic filing may have on the judiciary, i.e., outdated equipment, willingness to use, training, etc., but to build support for electronic filing and eventually your request to cease paper follow-up copies. Note that Rule 2.525 requires a 90-day

pilot period, and monthly reports, before you can ask for permission to cease paper follow up copies to electronic filings.

3. Work with filers to determine their filing needs and what they expect from electronic filing. Filers who have experienced simple e-filing may object to filling in data required for the “existing” or “new” filing options.
4. Seek training and thorough setup through FCCC, so that you can learn what the filers see from the “attorney perspective” and the administrative functions of the portal.
5. Consider establishing a regular communication process with local attorneys by using a newsletter, local bar meetings, etc. Keep them advised of changes and upcoming deadlines.
6. Consider offering local attorneys training in your office to:
  - a. Establish points of contact for assistance. Explain what your office can help with and when FCCC ([850-577-4609/support@myflcourtaccess.com](mailto:850-577-4609/support@myflcourtaccess.com)) should be contacted, which may be contingent on the ability for counties to customize their landing page on the portal. This information can also be included on each clerk’s web site in an e-filing page (also, maybe the individual clerk’s “NEWS” section on the ePortal will be fixed so this can be used to give assistance information).
  - b. Explain portal differences between counties, like how some counties offer simple e-filing and e-filing on existing and/or new cases, and some counties are using their own eFiling system. In the future, if simple efile continues as an option, the ePortal can direct filers to go to the ePortal Authority for a list of which counties accept what type of filings and filers can click on New/Existing/Simple on the portal to see who offers what. The county landing page might be redesigned so that when a filer selects a county it will automatically show only the types of e-filings accepted by that clerk’s office.
  - c. Discuss the document types that can be attached on the portal, i.e., .PDF, Word Perfect, and Word documents, the latter two of which are converted to .PDF by the portal. Show how electronically filed documents are date/time stamped at the portal and if your office uses a separate time stamp, demonstrate the different stamps and their meaning and uses.
  - d. Explain the processes: “Under Review,” “Pending Queue” and “Filed for Judicial Review Queue”, and other more specialized processes like filing the indigence application/fee waiver on the Payment tab and not on the Documents tab; adding parties, selecting “filed on behalf of” and “primary party. Explain that though there is a complimentary copy option that a filer can choose, this is not “electronic service” and is not compliant with the e-service rule. A module will be added that allows for rule-compliant e-service. Note that only certain credit cards are offered as payment options, etc. Clerk’s Offices are able to continue using credit/escrow accounts in their offices and those clerk’s offices who will continue to use these options should explain how this would work in conjunction with the ePortal.
  - e. Explain the difference between viewing files on the local Clerk’s office system and the ePortal. For example, the portal is for filing your cases and documents,

but “this program/system/web site” can be used for viewing the full progress docket and accessing images.

- f. Encourage the use of the “slash s” [/s/] signature as permitted by Rule 2.515 and the Florida Supreme Court Standards for Electronic Access to the Courts – Adopted June 2009, Adopted Modifications February 2012, so that attorneys do not print a document to sign and then scan only for the purpose of signing.
7. Develop a plan for electronic filing and approval to cease the paper follow-up copies.
  - a. Remember that the judiciary will have to support your request to cease paper follow up copies and that stopping paper follow-up copies is not the same as having approval to go completely paperless, i.e. have no paper files
  - b. Consider with whom and how to communicate, i.e., using local bar newsletters and meetings.
  - c. As support for requesting a paperless system, refer to Rule 2.516 (c) (2) and (3), which provides that (2) [t]he official court file is a set of electronic documents stored in a computer system maintained by the clerk, together with any supplemental non-electronic documents and materials authorized by this rule and (3) [t]he documents in the official court file are deemed originals for all purposes except as otherwise provided by statute or rule.
  - d. Work with judiciary to resolve problems with going paperless. Address issues such as the judiciary’s inability to scroll through pages of an electronic file in the same manner as a paper file and other related issues that may be solved with enough technology and money for appropriate equipment or programs.
  - e. Address the financial impact on your office if you have to print all electronically filed documents, because the judiciary still requires paper, which will mean the clerk’s office and judiciary will have the worst of both worlds and achieve no cost benefits. Consider performing a cost analysis or use the cost analysis done in other counties.

**B. Develop consistent electronic filing procedures**

1. For offices that are not choosing to use simple eFiling, use the Best Practices workgroup spreadsheets to set up your document groups and case and sub types on the portal. This will insure a consistent electronic filing experience statewide for attorneys. It will also ensure all SRS case and sub types are accounted for on the portal. For those offices using simple eFiling, there is no need to work with the standardized groupings and docket descriptions.
2. Consider issues relating to the acceptance of electronic filings on existing cases vs. new cases, i.e., whether your office will back scan on existing cases; if your office is not scanning, how it will deal with images.
3. Utilize training documentation located on the portal site. Consider developing your own local training manuals and videos, posting them on your website, and providing an “electronic filing” section on your website. Also consider implementing an internal electronic filing policy/procedure to document your practice and lessons learned for subsequent staff training. Work with FCCC to provide a training link on the portal site that addresses regular and simple eFiling

4. After setup work is complete on your county's data elements for electronic filing, test thoroughly on the test portal, not only as Clerk administrator but as an attorney, so that you can identify and correct any issues that may exist, like duplicate choices, inappropriate document choices for case types in new and/or existing cases, etc. The ePortal test site allows for multiple role setups, so that clerk staff can be set up as both a reviewer and a filer.
5. Insure that the 48-hour docketing standards are met with electronic filings. Take into account the ePortal time stamp and the local clerk's stamp, if one is used or going to be used.
6. Consider whether to time-stamp and docket both the electronic filing and paper follow-up copies, if any.
  - a. Consider issues that might result from having the electronic filing time stamped at the portal and a duplicate paper filing stamped with a different date.
  - b. Consider using a docket entry like "hard-copy complaint" to distinguish duplicate filings, if both are docketed due to user error or misinformation.
7. Consider creating a checklist of limitations on filings that can be shared with customers, (by putting it on the eFiling page on the Clerk's website):
  - a. A transmission (one document or multiples) cannot exceed 25 megabytes in size. Filers can break up documents in order for documents to size qualify. Keep in mind that the eFiling rule directs Clerk's to accept larger filings using other methods if a filing is too large for the Portal
  - b. Make filers aware that the rules require documents to be searchable and to explore technology options as to the document format and programs that can best perform this function, keeping in mind that at this time the ePortal only accepts Word, WordPerfect, and Adobe PDF documents, but that may change in the future. Suggest to filers who use Word or Word Perfect to consider finding ways to convert those documents to searchable, but un-editable files either as a native option in those word processing programs or to consider purchasing Adobe or other commercial products that tag the document and make it searchable. Some clerk's offices have had very fast searching results with searchable tifs, finding them faster to search than pdfs.
  - c. Direct filers to the Florida Supreme Court Standards for Electronic Access to the Courts – Adopted June 2009, Adopted Modifications February 2012 and its provisions pertaining to images: Paragraph 3.1.1 – Size of Filing; Paragraph 3.1.2 – Document Format; Paragraph 3.1.13 – Document Fidelity and Authenticity.
  - d. General tips in the checklist could include:
    - i. Unless otherwise required, scan in black-and-white.
    - ii. Use resolution 300 dpi to insure legibility without creating excessive file size.
    - iii. Scan in portrait mode, ensuring that top of paper document is oriented to top of scanned page.
    - iv. Use the latest version of scanner manufacturer's scanning software and related drivers to ensure the highest quality of scan and resulting .pdf file.— ePortal will not accept Word or WordPerfect documents without converting, so it might work better to have attorneys work this out directly with judges, for orders that judges want to be able to modify.

8. Consider the workflow in your office.
  - a. For portal filings, determine whether you will have a local review process. Consider an automatic process for docketing or continuing to have some manual data entry work. Consider the rate of error in efilings and the time spent correcting errors before settling on an automatic process.
  - b. If your office is paperless, determine how you will route documents into your case maintenance system. Consider setting up a workflow product incorporated into your CMS/DMS to achieve efficiency, to prevent all reviewers looking through lists of efiled documents to pick out the ones for their department.
  - c. If your office is not paperless, consider where you will print and how the work will be separated and distributed for processing and filing. Continue efforts to go paperless to reduce costs and streamline the eFiling process.
9. Consider whether your office will accept proposed orders:
  - a. First, ask your local judiciary if they will permit this. If so, decide on a process for submitting proposed orders from the portal/your case maintenance application to the judiciary for signature. If the portal accommodates local review applications which route to the judicial application and not involve Clerk staff, then consider utilizing this feature with a local review application.
  - b. If not, research whether there is a local practice/administrative order in place that needs to be addressed, based on a requirement that paper copies and stamped envelopes be submitted to the judiciary for mailing.
  - c. If electronic service will be used to send out signed orders, determine who will be responsible for sending the emails. If it is your office, determine whether you will use email in your case maintenance application or if you will have to attach images to emails in a separate application? Look for e-service applications that allow attorneys to enter the email addresses for all parties who will receive documents through e-service. It will be most efficient if the e-service application handles this without intervention by the Clerk's Office, but can be monitored by the Clerk's Office to ensure service has been performed. Consider using third-party vendors to accomplish this or offer advanced services to attorneys for a cost, using the cost-benefit approach for services they are already using as a bargaining tool.
10. Consider how your office will process documents that need to be issued by your office and then served or delivered to parties, such as summons, subpoenas, writs of garnishment, executions, etc. Consider creating and using electronic signatures, inserting the electronically signed document directly (without printing) into your case maintenance system, and then delivering the electronic document to the process server. This will require some coordination with plaintiffs and/or plaintiffs' attorneys as well as the Sheriff's Office and private process servers. The process must also address who is producing the copies of documents to be served and how and when they are produced.