

DISTRICT COURT OF APPEAL, FIRST DISTRICT

Tallahassee, FL 32399-1850

Telephone (850) 488-6151

Date: September 3, 2010

Administrative Order 10-4

In re: Electronic Filing of Records on Appeal, Registration and Filing of Court Reporter Extensions of Time, and Other Pleadings Filed After September 1, 2010

BY ORDER OF THE COURT:

As mandated by the Florida Legislature in SB1718 and as authorized by the Florida Supreme Court's Administrative Order AOSC10-32, In Re: Interim Policy on Electronic Appellate Court Records, dated June 29, 2010:

1) Pursuant to Florida Rule of Appellate Procedure 9.040(f), the clerk is required to transmit a certified copy of the notice of appeal (showing the date of filing) along with the fee and the order being appealed (if available) to this court. Effective October 1, 2010, lower court, lower tribunal, and state agency clerks within the jurisdiction of the First District Court of Appeal shall submit electronic copies of such notices of appeal to the court via eDCA rather than sending certified copies in paper format. Lower court, lower tribunal, and state agency clerks may and are encouraged to electronically file certified notices of appeal prior to October 1, 2010.

a. Any lower court, lower tribunal, or state agency clerk who is not yet registered with eDCA must register prior to electronically filing a certified notice of appeal. All notices of appeal submitted electronically through eDCA must be filed using the clerk's registration.

b. Any required appellate filing fees should still be sent separately until such time as the court may authorize electronic payment of the filing fees.

c. The electronic notice of appeal sent by the lower court, lower tribunal, or state agency clerk shall contain either a scanned or electronic certification, and the electronic notice of appeal must clearly reflect the date of filing below.

d. If the certified notice of appeal is required to be filed with a record on appeal, such as in a summary, i.e. those without an evidentiary hearing, Florida Rule of Criminal Procedure Rule 3.800/3.850/3.853 case, the record on appeal shall be electronically transmitted separately through the court's FTP procedures contemporaneously with electronic submission of the notice of appeal through eDCA.

e. Contemporaneously with the electronically filing of the certified electronic notice of appeal with the court, the lower court, lower tribunal, or state agency clerk shall submit through eDCA as a separate filing any order being appealed that was filed with the notice of appeal.

f. As another separate document, the lower court, tribunal, or state agency clerk shall also submit a completed copy of the First District Court of Appeal's "Notice of Appeal Transmittal Form," a blank copy of which is attached to this order. The "Notice of Appeal Transmittal Form" must be completed to show whether any appellate filing fee has been submitted with the notice of appeal below and is being forwarded separately to the court and whether the record on appeal has been prepared and is simultaneously being submitted to the court through electronic FTP procedures.

2) Effective October 1, 2010, lower courts, lower tribunals, and state agencies within the jurisdiction of the First District Court of Appeal must prepare and submit records on appeal to the court electronically in lieu of printed paper records. The submission of records on appeal electronically is required by all lower courts, tribunals, and state agencies within the jurisdiction of this court unless it is impossible to do so. If it is impossible for a lower court, tribunal, or state agency to submit records on appeal electronically, they may contact the clerk of this court for a waiver of the requirements in this administrative order until such time as it is possible to submit records electronically. Between the date of this order and October 1, 2010, lower courts, lower tribunals, and state agencies are encouraged to file records on appeal electronically in lieu of paper records but are not required to do so.

a. Electronic records properly submitted to this court in Adobe portable document format ("PDF" format) via the court's procedures for filing electronic records will constitute the official record on appeal filed with the court. When an electronic record is filed, a paper version is neither required nor permitted to be filed with the court. Paper copies of the record are still required to be served on

the parties as specified by the Florida Rules of Appellate Procedure. Electronic copies of records will not be returned to the lower courts, lower tribunals, and state agencies but will be retained in the case in eDCA.

b. Due to their typically large size, records on appeal must be electronically filed through the court's FTP procedures rather than through eDCA. Lower courts, tribunals, and state agencies which have not yet filed records through the FTP procedure should contact the court for instructions on how to do so.

c. When electronically filed with the court, the electronic record shall be compiled in the same format as specified by Florida Rule of Appellate Procedure 9.200, including an index, copy of the lower court, lower tribunal, or state agency docket, and a certification page containing a scanned or electronic copy of the clerk's certification. The clerk's certification should contain the clerk's name, address, phone number, and email address.

d. If a record contains multiple volumes, all volumes of the record on appeal being submitted to the court electronically must be included in the same document. A copy of the index to all volumes of record must be contained at the beginning of the record. Subsequently filed volumes of supplemental record may be transmitted as separate documents. If a record on appeal contains transcripts, those should be electronically filed with the record on appeal. Transmittal letters are not permitted to be filed electronically or in paper with the record on appeal.

e. Electronic records must be complete and readable. Lower tribunal, lower court, and state agency clerks may be required to re-send an electronic record if it is missing pages, missing volumes, or if portions of the record are unreadable. Lower tribunal, lower court, and state agency clerks are encouraged to submit records in indexed and fully searchable PDF format, if possible.

f. Electronic records on appeal containing known confidential information must be marked on the cover page and if possible the specific documents containing the confidential information should be marked on the index to the record. Electronic sealed records must likewise be clearly marked. Confidential and sealed records must be submitted in a separate PDF document from any other portion of the record also being electronically filed with the court.

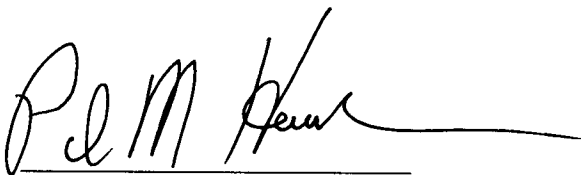
g. The date an electronic record on appeal is received by the court shall constitute the date of filing up to 11:59 p.m., Eastern Time on the date the record is electronically filed. Any record efiled on or after midnight will be deemed to be

filed the next business day. Electronic filings of records on a weekend, a holiday, or any other day the court is closed will be deemed to be filed on the next business day.

h. If possible, paper exhibits (including photographs) should be indexed, scanned and transmitted to the court electronically. To be viewable electronically, pictures should be scanned in color or grayscale. It is also preferable that in lieu of sending physical evidence to the court, photographs no larger than 8 1/2 by 11 inches may be taken of the physical evidence and scanned copies submitted to the court. If a party wishes to request that the actual exhibits or physical evidence and not an electronic version be sent to this court with the record on appeal, the moving party shall file a motion specifically addressing the need for the court to receive the designated exhibits and justify why the filing of the physical exhibits or evidence is necessary.

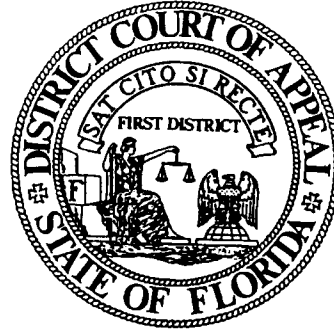
3) Effective October 1, 2010, court reporters wishing to file any pleadings with this court (including a request for an extension of time to prepare the transcripts) are required to register with eDCA and file any such pleadings with the court electronically via eDCA pursuant to the requirements set forth in this court's Administrative Order 10-3, issued August 2, 2010. Court reporters may and are encouraged to register and electronically file pleadings with the court through eDCA prior to October 1, 2010.

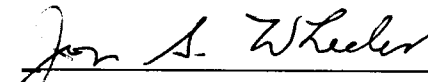
4) Pursuant to this court's Administrative Order 10-3, effective September 1, 2010, all attorneys appearing before this court are required to register as users with eDCA. All registered users are required to file all pleadings electronically through eDCA. Any pleadings received from attorneys or registered users in paper format rather than electronically filed through eDCA after September 1, 2010, will not be considered filed with the court and may be discarded without further notice to the filer.

A handwritten signature in black ink, appearing to read "Paul M. Hawkes", with a long horizontal flourish extending to the right.

Paul M. Hawkes, Chief Judge

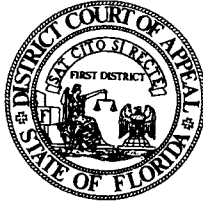
I HEREBY CERTIFY that the foregoing is (a true copy of) the original court order dated September 3, 2010.




Jon S. Wheeler, Clerk

Copies: Chief Justice Charles T. Canady, Florida Supreme Court
Florida First District Court of Appeal Judges
Lisa Goodner, Florida State Courts Administrator
John F. Harkness, Jr., Executive Director of The Florida Bar
West Publishing Company (for publication in the Southern Third
Reporter)
Judicial and Administrative Research Associates, Inc. (for publication in
The Florida Law Weekly)

Attachment: First District Court of Appeal Notice of Appeal Transmittal Form



DISTRICT COURT OF APPEAL, FIRST DISTRICT

301 S. Martin Luther King, Jr. Boulevard

Tallahassee, Florida 32399-1850

NOTICE OF APPEAL TRANSMITTAL FORM

(TO BE COMPLETED BY LOWER COURT, LOWER TRIBUNAL, OR STATE AGENCY CLERKS OR DEPUTY CLERKS AND SUBMITTED ELECTRONICALLY CONTEMPORANEOUSLY WITH AND IN A SEPARATE FILING FROM THE CERTIFIED ELECTRONIC NOTICE OF APPEAL)

Appellant

Lower Court/Tribunal/State Agency:

v.

L.T. Case No.:

Appellee

I hereby certify the following (mark as applicable):

- ____ A notice of appeal was filed in this court/tribunal/state agency on _____ (date). A certified electronic copy of the notice of appeal has been electronically filed with the 1st DCA's electronic portal eDCA.
- ____ The copy of the order being appealed filed with this notice of appeal is being electronically filed through eDCA along with the certified notice of appeal, as a separate document.
- ____ All appellate filing fees tendered with the notice of appeal will be immediately separately forwarded to the 1st DCA.
- ____ The filing fee in this case is waived as the appellant was found to be insolvent. An electronic copy of the insolvency order has been electronically filed in a separate document through eDCA contemporaneously with the certified notice of appeal.
- ____ NO appellate filing fee in this case has been tendered to the lower court/tribunal/state agency.
- ____ This is a case (such as a summary rule 3.800/3.850/3.853) in which the record on appeal is required to be filed with the 1st DCA at the same time as electronically filing the certified notice of appeal. A certified electronic copy of the record on appeal will immediately be or has already been electronically filed using the 1st DCA's FTP procedures.

Lower Court/Tribunal/State Agency Clerk

Address

Telephone Number

Email Address

Deputy Clerk