

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR POLK AND HIGHLANDS COUNTIES, FLORIDA

ADMINISTRATIVE ORDER NO. 1-35.1

**IN RE: ELECTRONIC ACCESS TO COURT FILES BY ATTORNEYS AND
GOVERNMENTAL AGENCIES OR AGENTS**

WHEREAS, the Clerk of the Circuit Court (“Clerk”) is the custodian of court records pursuant to Article V, Section 16, of the Florida Constitution; and

WHEREAS, the Polk County Clerk of the Circuit Court and the Highlands County Clerk of the Circuit Court have successfully implemented advanced technology providing secured internet access to digital images of court records pursuant to certain limited and controlled criteria; and

WHEREAS, it is legally required and essential for the efficient administration of justice that attorneys and certain governmental agencies have access to court records in order to discharge their responsibilities and represent their clients; and

WHEREAS, attorneys admitted to practice in the State of Florida are deemed officers and agents of the Court and as such are bound to all rules and regulations attendant thereto; and

WHEREAS, the Florida Supreme Court in AOSC07-49 “permits clerks of court to provide attorneys remote electronic access to records in cases in which the entire court file is not confidential” and provides that certain court records may be transmitted electronically to a “... governmental agency or agent ...” “provided the clerk of court ensures that the ... records are manually inspected and no confidential information is released;” it is therefore ORDERED that:

1. Attorneys who are members in good standing of the Florida Bar shall be authorized to enter into a contractual agreement with the Clerk to obtain electronic access to digital images of court records in which the entire court file is not confidential via a secure access website.
2. Said agreement shall provide that each user will have a unique and secure password and shall further provide that each user is responsible for ensuring that its location or its terminal is not used by any unauthorized user to gain access to the Clerk’s website.
3. Said agreement shall further provide that each user will take all necessary precautions to maintain the security and integrity of the data contained on the Clerk’s website.

4. The governmental agencies or agents listed in Exhibit A (attached hereto) shall be authorized to enter into contractual agreements with the Clerk for transmittal of court records authorized for electronic release by AOSC07-49 in an electronic form, "provided the clerk of court ensures that the described records are manually inspected and no confidential information is released." Exhibit A may be amended or modified as necessary by a separate special order.
5. Under no circumstances shall remote electronic access to criminal or traffic court digital images or transmittal of criminal and traffic court records to governmental agencies or agents include access to or transmittal of images of civil traffic infraction citations or records in which the entire court file is confidential.
6. Nothing in this order shall be interpreted to prohibit any person from having access to any court file that is a public record in accordance with Florida Rule of Judicial Administration 2.420 or Chapter 119, Florida Statutes.
7. Administrative Order No. 1-35.0, entered on December 5, 2004, is VACATED and SUPERSEDED by this order.
8. This administrative order shall be effective immediately.

DONE and ORDERED on this 12 day of September, 2012.



WM. BRUCE SMITH, Chief Judge

Distribution:
All Judges
Court Administrator
Polk County Clerk of the Circuit Court
Highlands County Clerk of the Circuit Court
State Attorney
Public Defender
Electronic Bar Mailing

EXHIBIT A

Agencies authorized to contract for electronic release of court records authorized for release by AOSC07-49 in an electronic form:

Auburndale Police Department
Avon Park Police Department
Bartow Police Department
Capital Collateral Regional Counsel
Department of Children and Families
Department of Highway Safety and Motor Vehicles
Department of Juvenile Justice
Department of State
Division of Alcoholic Beverage and Tobacco Enforcement
Division of Elections
Dundee Police Department
Federal Bureau of Investigations
Florida Department of Corrections
Florida Department of Law Enforcement
Florida Division of Alcoholic Beverages and Tobacco
Florida Division of Insurance Fraud
Florida Fish and Wildlife Conservation Commission
Florida Highway Patrol
Florida Parole Commission
Guardian Ad Litem
Haines City Police Department
Highlands County Sheriff's Office
Heartland for Children
Lake Alfred Police Department
Lake Hamilton Police Department
Lakeland Police Department
Lake Placid Police Department
Lake Wales Police Department
Mulberry Police Department
Office of Criminal Conflict and Civil Regional Counsel
Office of Public Defender
Office of the State Attorney
Office of the Statewide Prosecutor
Polk County Sheriff's Office
Sebring Police Department
United States Department of Homeland Security
United States Immigration and Customs Enforcement
United States Marshals Service
United States Probation Office
Wauchula Police Department
Winter Haven Police Department