

Supreme Court of Florida

No. AOSC19-23
*Corrected*¹

IN RE: FILING ELECTRONIC COURT DOCUMENTS STANDARDS
AND DOCUMENT STORAGE AND BACKUP OF ELECTRONIC
RECORDS STANDARDS

ADMINISTRATIVE ORDER

The use of personal computers by government and business has changed the way documents are archived. Prior to the 1990s, most offices maintained records on paper in centralized files. Today, however, organizations are embracing the need for digital archiving, and the Portable Document Format (PDF) file format is rapidly overtaking paper for the long-term storage of records. This administrative order adopts two sets of standards that implement the most reliable and suitable file format currently available for the long-term storage of electronic court documents.

Filing Electronic Court Documents Standards

The Florida Courts Technology Commission (commission), which is responsible among other things with updating technical standards for technology

1. This administrative order is issued to correct the Rule of Judicial Administration that is cited in the Filing Electronic Court Documents Standards that are referenced herein and attached hereto.

used in the judicial branch to receive and maintain court records by electronic means, established the Document Storage Workgroup (workgroup) and charged it with determining long-term goals and requirements for the storage of electronic court documents. After considerable research, the workgroup recommended and the commission endorsed the use of Portable Document Format for Archiving (PDF/A) as the standard for court document storage. PDF/A is recognized as the international standard for long-term archival storage. Use of PDF/A for the storage of electronic court records will maintain longevity of court PDF files and improve the security and preservation of case-related documents.

The preferred format for documents filed through the Florida Courts E-Filing Portal (Portal) is PDF/A or a current equivalent, although the Portal allows and will continue to allow documents to be submitted in Word, WordPerfect, and other PDF formats. The Portal will check each document submitted to the Portal for the required PDF/A format and convert documents that are filed in the other allowed formats.

Document Storage and Backup of Electronic Records Standards

Electronic court records custodians are responsible for the storage, processing, and accessibility of court documents and shall ensure electronic court documents that are part of a court file are stored in PDF/A format. This is a day-forward initiative and does not require clerks of court to convert previously stored

files into the PDF/A format. The record copy will retain the original intelligence as a PDF/A document; however, the redacted copy will not be required to maintain the original intelligence. Clerks of court must continue to follow the requirements of the Americans with Disabilities Act when providing on-demand, redacted documents. Additionally, digital signatures, electronic notarization, or digital hashes are not required; nevertheless, if they are included in the PDF, the signatures may be flattened.²

All clerks of court shall implement storage of documents in PDF/A format no later than June 1, 2021. The Court recognizes that clerks of court are in varying stages of readiness to implement PDF/A, and those clerks that are ready to move forward are encouraged to do so as quickly as practicable. Any clerk of court that determines their office cannot comply with the deadline must file, no later than December 31, 2020, a request for an extension of time that sets forth precise reasons for the non-compliance, describes the implementation steps that have been taken, and details the specific date of expected full compliance.

The Florida Courts Technology Commission determined no standards for the backup of online records were currently in place as a means to ensure continuous

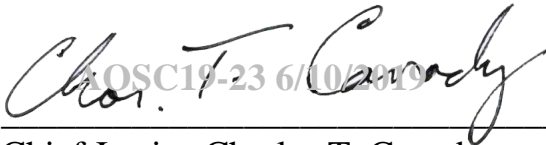
2. Flattening refers to transforming an interactive PDF document into a non-interactive PDF document. When a PDF document is flattened, a user cannot modify the data in the document fields.

data protection. Thus, the Technical Standards Subcommittee (subcommittee) developed and the commission endorsed Backup of Electronic Records Standards for all electronic systems. These standards define the minimum responsibilities of the custodians of the electronic court records and are effective immediately upon the entry of this administrative order.³

Conclusion

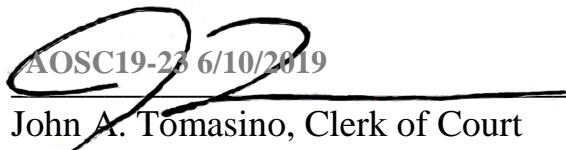
For the reasons stated above, the Court hereby adopts the Filing Electronic Court Documents Standards and the Document Storage and Backup of Electronic Records Standards, which are attached hereto and incorporated herein by reference.

DONE AND ORDERED at Tallahassee, Florida, on June 10, 2019.

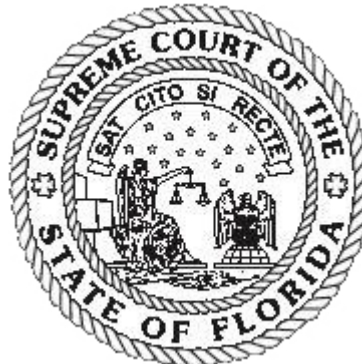


Chief Justice Charles T. Canady
AOSC19-23 6/10/2019

ATTEST:



John A. Tomasino, Clerk of Court
AOSC19-23 6/10/2019



3. If a custodian stores court-related data from another jurisdiction or agency with stricter requirements, the custodian must comply with the stricter requirement for that data.

Filing Electronic Court Documents Standards

Document Filing

Document filing will be conducted in accordance with Standards for Electronic Access to the Courts and Fla. R. Jud. Admin. 2.525, Electronic Filing.

The Portal:

- The Portal will accept new filings in Word, WordPerfect, PDF, and PDF/A formats. The preferred format for filing is the PDF/A format where original document intelligence has been maintained.
- Documents filed through the Portal will be provided to the clerk in PDF/A format when the clerk is able to receive and store a PDF/A document as follows:
 - Documents filed in an approved PDF/A format will be provided to the clerk as originally filed.
 - Documents filed in Word or WordPerfect format will be converted to an approved PDF/A format.
 - Documents filed in other searchable PDF formats will be converted to an approved PDF/A format.
 - Documents filed in other non-searchable PDF formats will be rasterized (i.e., converted into bitmap file format) as an approved PDF/A format.
 - Digital signatures and digital notarizations will not be passed or maintained by the Portal.

Document Storage and Backup of Electronic Records Standards

Document Storage Format

Electronic court records custodians are responsible for the storage, processing and accessibility of electronic court documents. Custodians shall ensure that:

- Electronic documents that are part of a court file (i.e., the record copy) are stored in the PDF/A format.
 - This is a day-forward requirement.
 - Upon implementation of the PDF/A requirement for incoming filings, existing electronic documents may remain in their current format(s) if the clerk maintenance system (CMS) is capable of managing multiple file formats.
- The record copy of each electronic court document retains the original document intelligence (i.e., as filed with the Portal) with the exception of features that use a digital hash. For example, digital signatures and electronic notarizations may be flattened and the certificates invalidated as the document moves through the filing process.

Redaction and Americans with Disabilities Act (ADA) Compliance

- Redacted copies of electronic court documents are not required to retain the original document intelligence. These copies may be flattened to accommodate existing redaction workflow processes.
- Custodians of electronic court documents are not responsible for adding ADA-compliance features to documents that they did not originate. However, custodians are required to follow acceptable ADA practices for access to court documents.

Backup of Electronic Records

Electronic court records custodians are responsible for the security, availability, and integrity of electronic court records (images and data) under their care. Custodians shall ensure that:

- Electronic court records in their care are securely backed-up and any backup data stored at a third party location must also be encrypted. The custodian of the electronic court records shall have exclusive access to the encryption key. In instances where vendors are supporting appliances onsite and are required to maintain an encryption key, the custodian will have operational policies and procedures that serve as a control prohibiting vendor access without invitation and monitoring.
- The production data or backup copy will reside in a hardened (CAT 5) facility. If a hardened (CAT 5) facility is unavailable, a tertiary copy (redundant backup) will also be maintained in its own offsite, independent facility. The production electronic court records and at least one copy of the backup(s) shall not be housed in the same building.
- Agreements with third party offsite vendors acknowledge the confidentiality of electronic court data they store, and prohibit data mining and other access/use of the data for any purpose other than to make the data accessible to the custodian.
- All backup copies of court data must be readily available to the custodian for access and restoration.

- Random sample testing is performed annually to verify that data is accessible and recoverable.
- Any known breach, or other malicious event, is reported to the chief judge or his/her designee and the Chief Information Security Officer at the Office of the State Courts Administrator Office of Information Technology as part of the custodian's Computer Security Incident Response plan.
- All court backup data is stored in the United States.
- Physical and electronic data transfer processes conform to the confidentiality and security guidelines set forth in the Data Exchange Standards.

These requirements are minimum requirements. If a custodian stores court-related data from another jurisdiction or agency with stricter requirements, the custodian must comply with the stricter requirements for that data.