

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

**ADMINISTRATIVE ORDER NO. 1-35.2**

**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 Hardee, Highlands, and Polk County Clerks 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 Hardee, Highlands, and Polk County Clerks of the Circuit Court (hereinafter “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. 1-35.1, entered on September 12, 2012, is VACATED and SUPERSEDED by this order.
8. This administrative order shall be effective immediately.

DONE and ORDERED on this 11th day of February, 2014.

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WM. BRUCE SMITH, Chief Judge

**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  
Bowling Green 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  
Hardee County Sheriff's Office  
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  
Zolfo Springs Police Department