

**IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR POLK COUNTY, FLORIDA**

ADMINISTRATIVE ORDER NO. 1-45.0

IN RE: ELECTRONIC ACCESS TO CRIMINAL AND TRAFFIC COURT RECORDS

WHEREAS the Polk County 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 Clerk has successfully implemented advanced technology providing secured internet access to digital images of criminal court and traffic 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 government agencies have access to court records in order to discharge their responsibilities; 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 which the entire court file is not confidential" and provides that court records may be transmitted electronically to a ". . . governmental agency or agent . . ." "provided the clerk of court ensures that the described 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 remote electronic access to digital images of criminal court and traffic 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 a contractual agreement with the Clerk for transmittal of criminal and traffic 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."

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. This administrative order shall be effective upon signing.

DONE and ORDERED on this 30th day of July, 2009.

J. DAVID LANGFORD, Chief Judge

EXHIBIT A

**Agencies Authorized to Contract for Electronic Release of Criminal and Traffic Court
Records Authorized for Release by AOSC07-49 in an Electronic Form**

Polk County Sheriff's Office
Auburndale Police Department
Bartow Police Department
Dundee Police Department
Haines City Police Department
Lake Alfred Police Department
Lake Hamilton Police Department
Lakeland Police Department
Lake Wales Police Department
Mulberry Police Department
Winter Haven Police Department
Game and Fresh Water Fish Commission
Florida Department of Law Enforcement
Division of Alcoholic Beverage and Tobacco Enforcement
Florida Highway Patrol
Department of Children and Families
Department of Corrections
Department of Juvenile Justice
Guardian Ad Litem
Heartland for Children
Public Defender's Office
Regional Counsel's Office
State Attorney's Office