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MEMORANDUM

To: The Florida Bar's Board of Governors

From: Hon. Josephine Gagliardi, Chair, Rules of Judicial Administration Committee
Jane Allie McNeill, Chair, Criminal Procedure Rules Committee

Through: Krys Godwin, Staff Liaison, Rules of Judicial Administration Committee
Heather Telfer, Staff Liaison, Criminal Procedure Rules Committee

Date: November 14, 2019

Re: Out-of-Cycle Amendments of Florida Rules of Judicial Administration and the Florida Criminal Procedure Rule on E-documents, E-service, and E-filing

Pursuant to Florida Rule of Judicial Administration 2.140(e)(2), the Rules of Judicial Administration Committee ("RJA Committee") and the Criminal Procedure Rules Committee ("CPR Committee") request the Board of Governors to recommend acceptance of the proposed amendments to the Florida Rules of Judicial Administration and Florida Criminal Rule of Procedure. Pursuant to Rule 2.140(e)(2), these proposed rules were published for comment, comments about the proposed Rules of Judicial Administration were received and the RJA Committee evaluated and discussed each comment. The attached chart sets forth the rules amended, the committees' votes, and an explanation of the amendments with a statement of the RJA Committee's reactions to comments received and votes pertinent to those comments. The full text of the proposed new rules and current rule amendments in legislative format is also attached.

The committees are recommending: the adoption of Florida Rule of Judicial Administration 2.345 (Electronic Signature of Court Official), the adoption of Rule 2.511 (Florida Courts E-Filing Portal), the amendments to Rule 2.514 (Computing and Extending Time), the amendments to Rule 2.515 (Signature and Certificates of Attorneys and Parties, *renamed* Signature and Representations to Court), the amendments to Rule 2.516 (Service of Pleadings and Documents, *renamed* Service), the amendments to Rule 2.520 (Documents), Rule 2.525 (Electronic Filing, *renamed* Filing) and Florida Criminal Procedure Rule 3.030 (Service and Filings of Pleadings, Papers, and Document). In simple summary, new Rule 2.345 defines how judges of all levels can perform electronic signatures on orders; new Rule 2.511 defines the filing options available with the portal. Amendments to Rule 2.514 more clearly define time

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computation, particularly for electronic filings or service. Rule 2.515 is substantially amended in the new areas of signature requirements, the act constituting a signature, the signature block, and the representation to a court. Rule 2.516 is substantially rewritten in the new areas of requirements of service of filed documents, how service is made, how service of paper documents is done, documents issued by all levels of judges, clerks and court officials, documents served on judges or court officials, and the certificate of service. Rule 2.520 is also substantially rewritten in the new areas of documents prepared for filing, electronic documents, paper documents, exhibits, and verification not required. Rule 2.525 is substantially rewritten in the new areas of the official court file, portal filings, clerk filings, notarized and verification documents, filed date and time, docketing by clerks, unsuccessful filings, and noncompliant electronic documents. Rule 3.030 is amended by adding an exception to documents deposited with the clerk and splitting and titling a new subdivision.

Judge Gagliardi will be present at the Board meeting if you have any questions. The committees appreciate your time and acceptance of these proposed amendments.

JOINT OUT-OF-CYCLE RULES OF COURT AMENDMENTS

Rule Number	Vote	Explanation
<u>Rule 2.345 (Electronic Signature of Court Official)</u>	39-0-0 Sub (a): 30-0 Sub (b): 27-0-2	This new rule defines the manner in which a court official may perform an electronic signature. After publication, additional amendments were made, for clear readability.
<u>Rule 2.511 (Florida Courts E-Filing Portal)</u>	38-0-1	This new rule defines the Florida Courts E-Filing Portal, the credentials necessary for access to the Portal, and the Florida Courts E-Filing Authority that manages the Portal.
Rule 2.514 (Computing and Extending Time)	39-1-0	Subdivision (a)(4)(A) is amended to substitute “11:59:59 p.m., eastern time” for “midnight”. Subdivision (a)(6)(B) is amended by adding “chief justice or” as a person who may designate a legal holiday. Editorial amendments are made in subdivisions (a)(1)(C) and (a)(2)(C).
Rule 2.515 (Signature Certificates of Attorneys and Parties Representations to Court)	40-0-0	The title is amended to “Signature and Representations to Court.” Subdivision (a) is retitled “Signature Required” and rewritten to require that all documents that are filed or served must be signed by the lawyer, self-represented litigant, or other authorized person. If a document is not signed, it may be stricken by the court.

		<p>Subdivision (b) is retitled “Acts Constituting Signature” and rewritten to detail two manners in which a document may be signed: the act of filing and the signature of each person in the signature block; and the act of serving the document and the signature of each person in the signature block.</p> <p>36-2 After comments were received, subdivision (c) is rewritten and retitled “Signature Block”. It now details the requirements within a signature block for either electronic or paper documents.</p> <p>36-2 After comments, this rule was returned to the original version approved by the Committee on first vote. New subdivision (d), titled “Representation to Court”, has three parts. Subdivision (d)(1), titled “Representation by Filer”, establishes that, by filing an electronic or paper document, the filer certifies compliance with all rules and each person identified by signature accepts responsibility for the filing. Subdivision (d)(2), titled “Representation by Signer”, defines that the signer has read the document, there are good grounds to support the document, the document is not interposed for delay, and the document’s information is in compliance with rules 2.420 and 2.425. Subdivision (d)(3), titled “Representations by Person Serving”, clarify that documents served under rule 2.516 fall under the same representations as under subdivisions (d)(1) and (d)(2) of this rule .</p>
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<p>Rule 2.516 (Service of Pleadings and Documents)</p>	<p>32-3-0</p> <p>27-0</p> <p>25-0</p> <p>35-2-1</p>	<p>The proposed amendment is a complete rewrite of this rule. The title of the rule is amended to “Service.”</p> <p>Subdivision (a) is retitled “Service of Filed Documents” itemizing exceptions to the requirement that all filed documents be served to all parties.</p> <p>In response to comments, subdivisions (a)(2) and (a)(3) were amended by removing “an applicable” that was in the published draft. In subdivision (a)(5), the opening phrase is rewritten to “a default has been entered against the party”.</p> <p>Subdivision (b) maintains the current title of “Service; How Made”, however the text is rewritten. Subdivision (b)(1) explains the manners in which e-service may be performed; <i>i.e.</i>, via the E-Filing Portal, e-mail, link if the document is oversized, or in compliance with the Florida Supreme Court Standards for Electronic Access to the Courts. Subdivision (b)(2) explains how a document is to be e-mail served if it is not filed via the Portal or if it is served but not filed; <i>i.e.</i>, which e-mail address, title of the e-mail, and the requirements within the e-mail message. (This subdivision also addresses the Court’s referral in reaction to <i>Wheaton v. Wheaton</i>.) In response to a comment, subdivision (b)(2)(B) was edited by removing the reference to a docket number and cross reference to Rule 2.515.</p>
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	33-0	<p>decided to keep this in until an unknown future date as guidance to practitioners.</p> <p>Subdivision (c) is retitled “Paper Documents” and rewritten to detail the requirements for paper document filings.</p> <p>Subdivision (d) is retitled “Exhibits.” The initial text of that subdivision explains this applied to documents not generated by a lawyer or represented party. Subdivision (d)(1) is retitled “Exhibits to Electronic Documents” and rewritten to require bookmarking and compliance with the Standards. Subdivision (d)(2) is retitled “Exhibits Submitted for Filing with a Paper Document” and rewritten permitting exhibits or attachments to paper documents to be attached in original size.</p> <p>Subdivision (e) is retitled “Verification Not Required” and rewritten defining that documents need not be sworn unless required by rule or statute.</p> <p>In reaction to a comment, the subdivision beginning was amended to “Unless” and “court” was added prior to “order.”</p> <p>Current subdivision (f) (Noncompliance) is deleted.</p> <p>Committee Note is added.</p>
Rule 2.525 (Electronic Filing)	31-1-0	The proposed amendment is a complete rewrite of this rule. The title is amended by deleting “Electronic.”

		<p>Subdivision (a) is retitled “Official Court File” and rewritten to define the official court file as electronic unless otherwise defined by statute or rule.</p> <p>Subdivision (b) is retitled “Portal Filing” and rewritten to require lawyers to file electronically, permit pro se parties to file electronically, and to restrict other types of filings.</p> <p>Subdivision (c) is retitled “Clerk Filing” and rewritten to define that paper documents may be filed and then converted if filed by a pro se party, prior to January 1, 2020, if submitted in open court or chambers, or if ordered by the court. The rule also states that paper documents will be destroyed, disposed of, or returned to the filer.</p> <p>Subdivision (d) is retitled “Notarized and Verified Documents” and rewritten to address the manner in which documents that must be sworn, notarized, or verified may be filed either electronically or with a cover sheet.</p> <p>Subdivision (e) is retitled “Filed Date and Time” and rewritten to define the manners in which the filed date and time are determined.</p> <p>Subdivision (f) is retitled “Docketing by Clerk; Unsuccessful Filing Attempt; Noncompliance Electronic Documents” and rewritten into three subdivisions. Subdivision (f)(1) requires docketing of filed document unless it contains an</p>
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	27-5	<p>incorrect or missing case number or case style, consists of multiple documents filed as one, a multi-page document is filed as separate documents, it is unsigned, it contains illegible, corrupt or blank content, or is barred by order of the court.</p> <p>Subdivision (f)(2) establishes the procedure for documents that cannot be docketed: the document will be held for 10 days so the party can file a new document, file a motion for review of the clerk’s action, or abandon the document. Subdivision (f)(3) establishes the authority for clerks or the Portal to docket but seek review by the respective court of filed documents that appear to be noncompliant.</p> <p>Due to a comment received, the original proposed (f)(1)(D) was deleted.</p> <p>Current subdivision (g) is stricken.</p> <p>Committee note is added.</p>
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<p>Rule 3.030 (Service and Filing of Pleadings, Papers, and Documents)</p>	<p>26-0-0</p>	<p>Subdivision (c) (Deposit with the Clerk) is amended by adding a sentence that excludes documents filed pursuant to rules 3.121, 3.160, 3.190, 3.240, 3.692, 3.811, 3.840, and 3.984 from the requirement of a sworn or notarized document being filed and deposited with the clerk.</p> <p>The last sentence of current subdivision (c) is separated to create subdivision (d) (Maintenance of Deposited Documents), which requires paper documents to be maintained in accordance with <i>Fla. R. Jud. Admin.</i> 2.430.</p>

RULE 2.345. ELECTRONIC SIGNATURE OF COURT OFFICIAL

The electronic signature of a document by a justice, judge, magistrate, clerk, or other court official is complete when the document:

(a) indicates the official's intent to sign it; and

(b) is authenticated according to the Florida Supreme Court Standards for Electronic Access to the Courts.

RULE 2.511. FLORIDA COURTS E-FILING PORTAL

(a) Electronic Filing Portal. The Florida Courts E-Filing Portal (“portal”), accessible on the Internet at <http://myflcourtaccess.com>, is the central electronic court filing facility that accepts court documents for filing in Florida courts, transmits them to the clerks, and can effect automated service via e-mail upon all registered lawyers and parties associated with a case. Use of the portal is required for filing by all participants in all Florida courts except:

(1) when an order of the Chief Justice of the Florida Supreme Court designates a different facility for e-filing in a particular court, that facility must be used instead of the portal and the published requirements of that facility control over the contents of this rule; or

(2) when rule 2.525(c) permits a person to submit a document in paper form for filing, the person may submit the document under that rule unless the person has elected to participate in the case electronically under rule 2.525(d).

(b) Credentials for Access to Portal. To use the portal, a person must become a “registered user” and obtain login credentials by registering with the portal according to its instructions. The following conditions apply:

(1) Information provided to obtain credentials must accurately identify the registered user by name, law firm or institution, if any, Florida Bar number, if applicable, and address, telephone number, and e-mail address at which the account holder will receive notices and service copies of documents.

(2) Access to nonpublic pages of the the portal is permitted only if:

(A) a registered user obtains entry with the login credentials issued to the user;

(B) a person uses a registered user’s login credentials to obtain entry at the direction of the registered user; or

(C) otherwise expressly permitted by the Portal Authority.

(3) The registered user is responsible for protecting the security of the user’s login credentials. The registered user is a filer, and under rule 2.515 a signer, of any document submitted using the account’s credentials. Any act done using the credentials is the personal act of the credential holder for all purposes.

(c) Portal Authority. The Florida Courts E-Filing Authority, created by an interlocal agreement between each of the trial court clerks of court and the clerk of supreme court operates the portal. The authority must cause the portal to perform the functions required by these rules. The authority may also make operational decisions that facilitate those functions, subject to applicable statutes, rules, administrative orders of the Florida Supreme Court, and the technical standards approved by the Florida Courts Technology Commission or the supreme court. The authority must give 45 days' advance notice to the chair of the Florida Courts Technology Commission before implementing any change to the portal's function or operation. The authority is authorized to publish instructions and instructional materials consistent with the portal's functions. The authority is also authorized to enter into contracts for additional services with individuals and institutions, including without limitation exposure of Application Program Interfaces, Web Services, and batch filing.

RULE 2.514. COMPUTING AND EXTENDING TIME

(a) Computing Time. The following rules apply in computing time periods specified in any rule of procedure, local rule, court order, or statute that does not specify a method of computing time.

(1) Period Stated in Days or a Longer Unit. When the period is stated in days or a longer unit of time:

(A) begin counting from the next day that is not a Saturday, Sunday, or legal holiday;

(B) count every day, including intermediate Saturdays, Sundays, and legal holidays; and

(C) ~~include the last day of~~ if the period would end on, but if ~~the last day is~~ a Saturday, Sunday, or legal holiday, or ~~falls within~~ during any period of time extended through an order of the chief justice under ~~Florida Rule of Judicial Administration~~ rule 2.205(a)(2)(B)(iv), the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday and does not fall within any period of time extended through an order of the chief justice.

(2) Period Stated in Hours. When the period is stated in hours:

(A) begin counting immediately on the occurrence of the event that triggers the period;

(B) count every hour, including hours during intermediate Saturdays, Sundays, and legal holidays; and

(C) if the period would end on a Saturday, Sunday, or legal holiday, or during any period of time extended through an order of the chief justice ~~under Florida Rule of Judicial Administration 2.205(a)(2)(B)(iv)~~, the period continues to run until the same time on the next day that is not a Saturday, Sunday, or legal holiday and does not fall within any period of time extended through an order of the chief justice.

(3) Period Stated in Days Less Than Seven Days. When the period stated in days is less than 7 days, intermediate Saturdays, Sundays, and legal holidays ~~shall~~ must be excluded in the computation.

(4) **“Last Day” Defined.** Unless a different time is set by a statute, local rule, or court order, the last day ends:

(A) for electronic filing or for service by any means, at ~~midnight~~ 11:59:59 p.m., eastern time; and

(B) for filing by other means, when the clerk’s office is scheduled to close.

(5) **“Next Day” Defined.** The “next day” is determined by continuing to count forward when the period is measured after an event and backward when measured before an event.

(6) **“Legal Holiday” Defined.** “Legal holiday” means:

(A) the day set aside by section 110.117, Florida Statutes, for observing New Year’s Day, Martin Luther King, Jr.’s Birthday, Memorial Day, Independence Day, Labor Day, Veterans’ Day, Thanksgiving Day, the Friday after Thanksgiving Day, or Christmas Day; and

(B) any day observed as a holiday by the clerk’s office or as designated by the chief justice or chief judge.

(b) **Additional Time after Service by Mail.** When a party may or must act within a specified time after service and service is made by mail, 5 days are added after the period that would otherwise expire under subdivision (a).

**RULE 2.515. SIGNATURE AND CERTIFICATES OF ATTORNEYS
AND PARTIES REPRESENTATIONS TO COURT**

(a) Attorney's Signature and Certificates Required. Every document of a party represented filed or served must be signed by the attorney lawyer, self-represented litigant, or other person authorized by law to file or serve the document shall be signed by at least 1 attorney of record in that attorney's individual name whose current record Florida Bar address, telephone number, including area code, primary e-mail address and secondary e-mail addresses, if any, and Florida Bar number shall be stated, and who shall be duly licensed to practice law in Florida or who shall have received permission to appear in the particular case as provided in this rule 2.510. If a document is not signed or is signed with intent to defeat the purpose of this rule, it may be stricken by the court and the action may proceed as though the document had not been filed or served. The attorney may be required by the court to give the address of, and to vouch for the attorney's authority to represent, the party. Except when otherwise specifically provided by an applicable rule or statute, documents need not be verified or accompanied by affidavit. The signature of an attorney shall constitute a certificate by the attorney that:

(1) — the attorney has read the document;

(2) — to the best of the attorney's knowledge, information, and belief there is good ground to support the document;

(3) — the document is not interposed for delay; and

(4) — the document contains no confidential or sensitive information, or that any such confidential or sensitive information has been properly protected by complying with the provisions of rules 2.420 and 2.425. If a document is not signed or is signed with intent to defeat the purpose of this rule, it may be stricken and the action may proceed as though the document had not been served.

(b) Pro Se Litigant Acts Constituting Signature. A party who is not represented by an attorney shall sign any document and state the party's address and telephone number, including area code.

(1) Electronically Filed Documents. The act of filing a document constitutes the filer's signature and the signature of each person who is identified as a signer within the document by placing the electronic signature indicator "/s/" in front on their printed name. A person does not become a signer of the document

if the person's name appears in the document without the adjacent electronic signature indicator.

(2) Paper Documents. A person submitting a paper document for filing under rule 2.525(c) must sign the document before submitting it, using any form of signature recognized by law. The person submitting the document becomes its filer for purposes of this rule.

(3) Served Documents. For documents served, but not contemporaneously filed, the act of serving constitutes the server's signature and the signature of each person identified as a signer.

(c) Form of SignatureSignature Block.

~~(1) The signatures required on documents by subdivisions (a) and (b) of this rule may be:~~

~~(A) original signatures;~~

~~(B) original signatures that have been reproduced by electronic means, such as on electronically transmitted documents or photocopied documents;~~

~~(C) an electronic signature indicator using the “/s/,” “s/,” or “/s” [name] formats authorized by the person signing a document electronically served or filed; or~~

~~(D) any other signature format authorized by general law, so long as the clerk where the proceeding is pending has the capability of receiving and has obtained approval from the Supreme Court of Florida to accept pleadings and documents with that signature format.~~

~~(2) By serving a document, or by filing a document by electronic transmission using an attorney's assigned electronic filing credentials:~~

~~(A) that attorney certifies compliance with subdivision (a)(1) through (a)(4) and accepts responsibility for the document for all purposes under this rule;~~

~~(B) that attorney certifies compliance with all rules of procedure regarding service of the document on attorneys and parties;~~

~~(C) — that attorney certifies that every person identified as a signer in the document as described in subdivision (c)(1)(C) has authorized such signature; and~~

~~(D) — every signing attorney is as responsible for the document as if that document had been served by such signing attorney or filed using the assigned electronic filing credentials of such signing attorney.~~

A document signed under this rule must include a signature block containing each signer's mailing address, telephone number, e-mail address for service of court documents (if the document is filed or served electronically), and, if the signer is a lawyer, the signer's Florida Bar number and the party the signer represents.

(d) Representation to Court.

(1) Representation by Filer. By filing a document pursuant to rule 2.525, the filer certifies that:

(A) the filer has complied with all rules of procedure regarding filing and service of the document; and

(B) every person identified as a signer has authorized such signature, and the filer accepts responsibility for proving such authority if it is later disputed.

(2) Representation by Signer. Upon filing, each signer certifies that:

(A) the signer has read the document;

(B) to the best of the signer's knowledge, information, and belief, there are good grounds to support the document;

(C) the document is not interposed for delay; and

(D) the document contains no confidential or sensitive information, or if it does contain confidential or sensitive information, it has all been properly protected by complying with rules 2.420 and 2.425.

(3) Representations by Person Serving. A person serving a document under rule 2.516 makes the same representations contained in subdivisions (d)(1) and (d)(2).

RULE 2.516. SERVICE OF PLEADINGS AND DOCUMENTS

(a) Service; When of Filed Documents Required. ~~Unless the court otherwise orders, or a statute or supreme court administrative order specifies a different means of service, every pleading subsequent to the initial pleading and every other document filed in any court proceeding, except applications for witness subpoenas and documents served by formal notice or required to be served in the manner provided for service of formal notice, must be served in accordance with this rule on each party. No service need be made on parties against whom a default has been entered, except that pleadings asserting new or additional claims against them must be served in the manner provided for service of summons. When a document is filed under rule 2.525, the filer must serve it on all other parties as provided in this rule unless:~~

~~(1) the document is the first pleading filed in the action and is being served under the statutes and rules applicable to service of summons;~~

~~(2) a statute, rule, or administrative order of the supreme court provides for a different method of service and the document is served under that method;~~

~~(3) a statute, rule, or court order permits the document to be filed without being served;~~

~~(4) the document is an application for a witness subpoena; or~~

~~(5) a default has been entered against the party, and the document raises no new or additional claims against the party.~~

(b) Service; How Made. ~~When service is required or permitted to be made upon a party represented by an attorney, service must be made upon the attorney unless service upon the party is ordered by the court. Service must be made as follows unless the parties otherwise agree:~~

~~(1) **Service by Electronic Mail (“e-mail”).** All documents required or permitted to be served on another party must be served by e-mail, unless the parties otherwise stipulate or this rule otherwise provides. A filer of an electronic document has complied with this subdivision if the Florida Courts e-filing Portal (“Portal”) or other authorized electronic filing system with a supreme court approved electronic service system (“e-Service system”) served the document by e-mail or provided a link by e-mail to the document on a website~~

maintained by a clerk (“e-Service”). The filer of an electronic document must verify that the Portal or other e-Service system uses the names and e-mail addresses provided by the parties pursuant to subdivision (b)(1)(A). **Portal Service.** Service of a document filed through the Florida Courts E-Filing Portal (“Portal”) must be made by using the Portal’s E-service function unless the parties have agreed on a different method. The filer must ensure the completeness and accuracy of the portal’s list of designated recipients with e-mail addresses (“service list”) for the case. The portal will transmit a copy of the document to each address on the service list, including the filer, either by e-mail attaching the document or containing a link to it, or by any other method established by agreement between the portal and the recipient. Service on each listed recipient is complete upon filing, but if the filer learns that the document did not reach a person to be served, individual e-mail service must immediately be made.

~~(A) — **Service on Attorneys.** Upon appearing in a proceeding, an attorney must designate a primary e-mail address and may designate no more than two secondary e-mail addresses and is responsible for the accuracy of and changes to that attorney’s own e-mail addresses maintained by the Portal or other e-Service system. Thereafter, service must be directed to all designated e-mail addresses in that proceeding. Every document filed or served by an attorney thereafter must include the primary e-mail address of that attorney and any secondary e-mail addresses. If an attorney does not designate any e-mail address for service, documents may be served on that attorney at the e-mail address on record with The Florida Bar.~~

~~(B) — **Exception to E-mail Service on Attorneys.** Upon motion by an attorney demonstrating that the attorney has no e-mail account and lacks access to the Internet at the attorney’s office, the court may excuse the attorney from the requirements of e-mail service. Service on and by an attorney excused by the court from e-mail service must be by the means provided in subdivision (b)(2).~~

~~(C) — **Service on and by Parties Not Represented by an Attorney.** Any party not represented by an attorney may serve a designation of a primary e-mail address and also may designate no more than two secondary e-mail addresses to which service must be directed in that proceeding by the means provided in subdivision (b)(1) of this rule. If a party not represented by an attorney does not designate an e-mail address for service in a proceeding, service on and by that party must be by the means provided in subdivision (b)(2).~~

~~(D) — **Time of Service.** Service by e-mail is complete on the date it is sent.~~

~~(i) — If, however, the e-mail is sent by the Portal or other e-Service system, service is complete on the date the served document is electronically filed.~~

~~(ii) — If the person required to serve a document learns that the e-mail was not received by an intended recipient, the person must immediately resend the document to that intended recipient by e-mail, or by a means authorized by subdivision (b)(2) of this rule.~~

~~(E) — **Format of E-mail for Service.** Service of a document by e-mail is made by an e-mail sent to all addresses designated by the attorney or party with either (a) a copy of the document in PDF format attached or (b) a link to the document on a website maintained by a clerk.~~

~~(i) — All documents served by e-mail must be sent by an e-mail message containing a subject line beginning with the words “SERVICE OF COURT DOCUMENT” in all capital letters, followed by the case number and case style of the proceeding in which the documents are being served.~~

~~(ii) — The body of the e-mail must identify the court in which the proceeding is pending, the case number, the name of the initial party on each side, the title of each document served with that e-mail, and the name and telephone number of the person required to serve the document.~~

~~(iii) — Any document served by e-mail may be signed by any of the “/s/,” “/s,” or “s/” formats.~~

~~(iv) — Any e-mail which, together with its attached documents, exceeds the appropriate size limitations specified in the Florida Supreme Court Standards for Electronic Access to the Court, must be divided and sent as separate e-mails, no one of which may exceed the appropriate size limitations specified in the Florida Supreme Court Standards for Electronic Access to the Court and each of which must be sequentially numbered in the subject line.~~

~~(2) **E-mail Service by Other Means.** In addition to, and not in lieu of, service by e-mail, service may also be made upon attorneys by any of the means specified in this subdivision. If a document is served by more than one method of service, the computation of time for any response to the served~~

~~document shall be based on the method of service that provides the shortest response time. Service on and by all parties who are not represented by an attorney and who do not designate an e-mail address, and on and by all attorneys excused from e-mail service, must be made by delivering a copy of the document or by mailing it to the party or attorney at their last known address or, if no address is known, by noting the non-service in the certificate of service, and stating in the certificate of service that a copy of the served document may be obtained, on request, from the clerk of the court or from the party serving the document. Service by mail is complete upon mailing. Delivery of a copy within this rule is complete upon: If a document is to be filed using a court facility other than the portal, or if the document is to be served but not filed, service is made by attaching the document in PDF format to an e-mail message and transmitting it to the recipient's e-mail address(es). Service by e-mail is complete on the date that it is sent.~~

~~(A) handing it to the attorney or to the party, If a lawyer cannot be served at the e-mail address in the signature block, the lawyer may be served at the lawyer's e-mail address registered with The Florida Bar.~~

~~(B) leaving it at the attorney's or party's office with a clerk or other person in charge thereof, The title of the e-mail message must begin with "SERVICE OF COURT DOCUMENT" and be followed by the case number and a reasonable abbreviation of the style of the case. The body of the e-mail message must contain the style of the case, the title of the document, and the name and telephone number of the person required to serve the document.~~

~~(C) if there is no one in charge, leaving it in a conspicuous place therein,~~

~~(D) if the office is closed or the person to be served has no office, leaving it at the person's usual place of abode with some person of his or her family above 15 years of age and informing such person of the contents, or~~

~~(E) transmitting it by facsimile to the attorney's or party's office with a cover sheet containing the sender's name, firm, address, telephone number, and facsimile number, and the number of pages transmitted. When service is made by facsimile, a copy must also be served by any other method permitted by this rule. Facsimile service occurs when transmission is complete.~~

~~(F) Service by delivery shall be deemed complete on the date of delivery.~~

(3) **Oversized Documents.** For any document that must be served but is too large for portal or e-mail service, the party may serve a link to the document in compliance with the Florida Supreme Court Standards for Electronic Access to the Courts.

(4) **Technical Standards.** Service must comply with the Florida Supreme Court Standards for Electronic Access to the Courts but noncompliance with technical requirements does not invalidate service unless the noncompliance also constitutes a violation of these rules or the court so orders.

~~(c) **Service; Numerous Defendants of Paper Documents.** In actions when the parties are unusually numerous, the court may regulate the service contemplated by these rules on motion or on its own initiative in such manner as may be found to be just and reasonable.~~

(1) An unrepresented person who is not a member of The Florida Bar and who has not chosen to participate electronically under rule 2.525 must be served a paper copy by hand delivery, United States mail, or other commercial delivery service at the address where service of process was effectuated unless a court order or the party designated a different address. Service by mail is complete upon mailing. Service by delivery is complete on the date of delivery.

(2) Service of paper documents on a lawyer, or on a party who has elected to participate electronically in the case, is not permitted and is ineffective unless the party agrees in advance or the court so orders.

(3) Service of documents need not be performed in the same way to all parties unless the court so orders.

~~(d) **Filing.** All documents must be filed with the court either before service or immediately thereafter, unless otherwise provided for by general law or other rules. If the original of any bond or other document required to be an original is not placed in the court file or deposited with the clerk, a certified copy must be so placed by the clerk.~~ **Documents Issued by Justices, Judges, Magistrates, Clerks, or Other Court Officials.**

(1) A paper copy of an order, notice, or other document issued by a judge, clerk, or other court official must be served by hand delivery, United States mail, or other commercial delivery service on all unrepresented parties who have not elected to participate electronically in the case.

(2) A paper copy of every final judgment must be served by mail on the party against whom the judgment is entered.

(3) If a default has been entered against a party, service on that party under this subdivision is required only for an order setting the action for trial, and for a final judgment.

(4) Failure to comply with this subdivision does not affect the validity of an order or judgment, its finality, or any proceedings arising in the action.

~~(e) **Filing Defined.** The filing of documents with the court as required by these rules must be made by filing them with the clerk in accordance with rule 2.525, except that the judge may permit documents to be filed with the judge, in which event the judge must note the filing date before him or her on the documents and transmit them to the clerk. The date of filing is that shown on the face of the document by the judge's notation or the clerk's time stamp, whichever is earlier.~~**Service on Judge or Other Court Official.** Documents filed under rule 2.525 must not be served on the judge or other court official under this rule unless service on the judge is required by a statute, rule, administrative order, or court order. If permitted, service on a judge or other court official must be made electronically under subdivision (b) and the Florida Supreme Court Standards for Electronic Access to the Courts.

(f) Certificate of Service. When any ~~attorney~~lawyer certifies in substance:

“I certify that the foregoing document has been furnished to (here insert name or names, addresses used for service, and mailing addresses) by (portal) (e-mail) (delivery) (mail) ~~(fax)~~ on (date)

Attorney at Law”

the certificate is taken as prima facie proof of such service in compliance with this rule.

~~(g) **Service by Clerk.** When the clerk is required to serve notices and other documents, the clerk may do so by e-mail as provided in subdivision (b)(1)~~

~~or by any other method permitted under subdivision (b)(2). Service by a clerk is not required to be by e-mail.~~

~~(h) — Service of Orders.~~

~~(1) — A copy of all orders or judgments must be transmitted by the court or under its direction to all parties at the time of entry of the order or judgment. No service need be made on parties against whom a default has been entered except orders setting an action for trial and final judgments that must be prepared and served as provided in subdivision (h)(2). The court may require that orders or judgments be prepared by a party, may require the party to furnish the court with stamped, addressed envelopes for service of the order or judgment, and may require that proposed orders and judgments be furnished to all parties before entry by the court of the order or judgment. The court may serve any order or judgment by e-mail to all attorneys who have not been excused from e-mail service and to all parties not represented by an attorney who have designated an e-mail address for service.~~

~~(2) — When a final judgment is entered against a party in default, the court must mail a conformed copy of it to the party. The party in whose favor the judgment is entered must furnish the court with a copy of the judgment, unless it is prepared by the court, with the address of the party to be served. If the address is unknown, the copy need not be furnished.~~

~~(3) — This subdivision is directory and a failure to comply with it does not affect the order or judgment, its finality, or any proceedings arising in the action.~~

RULE 2.520. DOCUMENTS

(a) Electronic Documents Prepared for Filing Mandatory. All documents filed in any court shall be filed by electronic transmission in accordance with rule 2.525. “Documents” means pleadings, motions, petitions, memoranda, briefs, notices, exhibits, declarations, affidavits, orders, judgments, decrees, writs, opinions, and any paper or writing submitted to a court. Documents generated by lawyers or represented parties for filing under rule 2.525 or service under rule 2.516 must comply with the formatting requirements of this subdivision, but exhibits attached to those documents need only comply with subdivision (d). Documents must be prepared as follows:

(1) page size must be 8 1/2 by 11 inches (letter size);

(2) pages must be consecutively numbered;

(3) pages must have at least a 1-inch margin on all sides, an additional 3-inch by 3-inch blank space at the top right-hand corner on the first page and a 1-inch by 3-inch blank space at the top right-hand corner on each subsequent page must be reserved in accordance with the statutory requirements for documents that will be recorded in the official records; and

(4) font size must be no less than 12-point.

(b) Type and Size. Documents subject to the exceptions set forth in rule 2.525(d) shall be legibly typewritten or printed, on only one side of letter sized (8 1/2 by 11 inch) white recycled paper with one inch margins and consecutively numbered pages. For purposes of this rule, paper is recycled if it contains a minimum content of 50 percent waste paper. Reduction of legal-size (8 1/2 by 14 inches) documents to letter size (8 1/2 by 11 inches) is prohibited. All documents filed by electronic transmission shall comply with rule 2.526 and be filed in a format capable of being electronically searched and printed in a format consistent with the provisions of this rule. **Electronic Documents.** Electronic documents submitted for filing must be in PDF format and not be a scanned, printed document. Documents must also be text searchable and otherwise comply with the Florida Supreme Court Standards for Electronic Access to the Courts.

(c) Exhibits. Any exhibit or attachment to any document may be filed in its original size. **Paper Documents.** Paper documents must be legibly typewritten or printed on only one side on opaque, white, unglossed paper. Documents

consisting of multiple pages should be held together with removable paper clips and must not be stapled or bound.

(d) ~~Recording Space and Space for Date and Time Stamps.~~Exhibits.
A document not generated within the control of a lawyer or represented party may be appended as an exhibit to a document prepared under subdivision (a), but is not itself subject to those requirements. Instead, the following requirements apply:

~~(1) — On all documents prepared and filed by the court or by any party to a proceeding which are to be recorded in the public records of any county, including but not limited to final money judgments and notices of lis pendens, a 3-inch by 3-inch space at the top right hand corner on the first page and a 1-inch by 3-inch space at the top right hand corner on each subsequent page shall be left blank and reserved for use by the clerk of court.~~**(1) Exhibits to Electronic Document.** Exhibits that are attached to an electronic document must be bookmarked and comply with the Florida Supreme Court Standards for Electronic Access to the Courts.

~~(2) — On all documents filed with the court, a 1-inch margin on all sides must be left blank for date and time stamps.~~**(2) Exhibits Submitted for Filing with a Paper Document.** Any exhibit or attachment to any paper document may be attached in its original size.

~~(A) — **Format.** Date and time stamp formats must include a single line detailing the name of the court or Portal and shall not include clerk seals. Date stamps must be 8 numerical digits separated by slashes with 2 digits for the month, 2 digits for the date, and 4 digits for the year. Time stamps must be formatted in 12 hour time frames with a.m. or p.m. included. The font size and type must meet the Americans with Disabilities Act requirements.~~

~~(B) — **Location.** The Portal stamp shall be on the top left of the document. The Florida Supreme Court and district courts of appeal stamps shall be on the left margin horizontally. Any administrative agency stamp shall be on the right margin horizontally. The clerk's stamp for circuit and county courts shall be on the bottom of the document.~~

~~(C) — **Paper Filings.** When a document is filed in paper as authorized by rule, the clerk may stamp the paper document in ink with the date and time of filing instead of, or in addition to, placing the electronic stamp as described in subdivision (B). The ink stamp on a paper document must be legible~~

~~on the electronic version of the document, and must neither obscure the content or other date stamp, not occupy space otherwise reserved by subdivision (B).~~

~~(e) **Exceptions to Recording Space.** Any documents created by persons or entities over which the filing party has no control, including but not limited to wills, codicils, trusts, or other testamentary documents; documents prepared or executed by any public officer; documents prepared, executed, acknowledged, or proved outside of the State of Florida; or documents created by State or Federal government agencies, may be filed without the space required by this rule.~~**Verification Not Required.** Unless otherwise specifically provided by a court order, rule, or statute, documents need not be sworn, notarized, or verified.

~~(f) **Noncompliance.** No clerk of court shall refuse to file any document because of noncompliance with this rule. However, upon request of the clerk of court, noncomplying documents shall be resubmitted in accordance with this rule.~~

Court Commentary

[NO CHANGE]

RULE 2.525. ELECTRONIC FILING

(a) Definition. ~~“Electronic transmission of documents” means the sending of information by electronic signals to, by or from a court or clerk, which when received can be transformed and stored or transmitted on paper, microfilm, magnetic storage device, optical imaging system, CD-ROM, flash drive, other electronic data storage system, server, case maintenance system (“CM”), electronic court filing (“ECF”) system, statewide or local electronic portal (“e-portal”), or other electronic record keeping system authorized by the supreme court in a format sufficient to communicate the information on the original document in a readable format. Electronic transmission of documents includes electronic mail (“e-mail”) and any internet-based transmission procedure, and may include procedures allowing for documents to be signed or verified by electronic means.~~ **Official Court File.** The official court file is a set of electronic documents docketed and stored in a computer system maintained by the clerk under this rule. Documents in the official court file are originals for all purposes except as otherwise provided by statute or rule.

(b) Application. ~~Only the electronic filing credentials of an attorney who has signed a document may be used to file that document by electronic transmission. Any court or clerk may accept the electronic transmission of documents for filing and may send documents by electronic transmission after the clerk, together with input from the chief judge of the circuit, has obtained approval of procedures, programs, and standards for electronic filing from the supreme court (“ECF Procedures”). All ECF Procedures must comply with the then-current e-filing standards, as promulgated by the supreme court in Administrative Order No. AOSC09-30, or subsequent administrative order.~~ **Portal Filing.**

(1) Lawyers must file through the Florida Courts E-Filing Portal (“portal”) or other designated facility according to its instructions.

(2) An unrepresented person who is not a member of The Florida Bar may elect to participate in a case electronically and file through the portal or other designated facility according to its instructions. Once the election is made, it may not be withdrawn without leave of court.

(3) No other method of filing is permitted except as provided in subdivision (c) of this rule or otherwise authorized by the Florida Supreme Court Standards for Electronic Access to the Courts.

(c) Documents Affected Clerk Filing.

(1) ~~All documents that are court records, as defined in rule 2.430(a)(1), must be filed by electronic transmission provided that:~~ A paper document may be submitted to the clerk for filing, which the clerk will convert to an electronic format, if:

(A) ~~the clerk has the ability to accept and retain such documents~~ the document is submitted for filing by an unrepresented party or unrepresented non-party who has not elected to participate electronically in the case in accordance with rule 2.511 or who has obtained leave of court to withdraw the election;

(B) ~~the clerk or the chief judge of the circuit has requested permission to accept documents filed by electronic transmission~~ the document is submitted for filing by a judicial officer, clerk, or other court official before January 1, 2020; ~~and~~

(C) ~~the supreme court has entered an order granting permission to the clerk to accept documents filed by electronic transmission~~ the document is accepted for filing by a judicial officer in open court or in chambers, in which case the judicial officer must note the time and date of receipt on the document and submit it to the clerk for filing; or

(D) the court so orders.

(2) ~~The official court file is a set of electronic documents stored in a computer system maintained by the clerk, together with any supplemental non-electronic documents and materials authorized by this rule. It consists of:~~ Unless prohibited by order, rule, or statute, after conversion to an electronic form, paper documents submitted for filing will be either destroyed or otherwise disposed of by the clerk or returned to the filer if a self-addressed postage prepaid envelope is provided to the clerk at the time of submission.

(A) ~~documents filed by electronic transmission under this rule;~~

(B) ~~documents filed in paper form under subdivision (d) that have been converted to electronic form by the clerk;~~

(C) ~~documents filed in paper form before the effective date of this rule that have been converted to electronic form by the clerk;~~

~~(D) — documents filed in paper form before the effective date of this rule or under subdivision (d), unless such documents are converted into electronic form by the clerk;~~

~~(E) — electronic documents filed pursuant to subdivision (d)(5);~~
and

~~(F) — materials and documents filed pursuant to any rule, statute or court order that either cannot be converted into electronic form or are required to be maintained in paper form.~~

~~(3) — The documents in the official court file are deemed originals for all purposes except as otherwise provided by statute or rule.~~

~~(4) — Any document in paper form submitted under subdivision (d) is filed when it is received by the clerk or court and the clerk shall immediately thereafter convert any filed paper document to an electronic document. “Convert to an electronic document” means optically capturing an image of a paper document and using character recognition software to recover as much of the document’s text as practicable and then indexing and storing the document in the official court file.~~

~~(5) — Any storage medium submitted under subdivision (d)(5) is filed when received by the clerk or court and the clerk shall immediately thereafter transfer the electronic documents from the storage device to the official court file.~~

~~(6) — If the filer of any paper document authorized under subdivision (d) provides a self-addressed, postage-paid envelope for return of the paper document after it is converted to electronic form by the clerk, the clerk shall place the paper document in the envelope and deposit it in the mail. Except when a paper document is required to be maintained, the clerk may recycle any filed paper document that is not to be returned to the filer.~~

~~(7) — The clerk may convert any paper document filed before the effective date of this rule to an electronic document. Unless the clerk is required to maintain the paper document, if the paper document has been converted to an electronic document by the clerk, the paper document is no longer part of the official court file and may be removed and recycled.~~

~~(d) **Exceptions.** Paper documents and other submissions may be manually submitted to the clerk or court:~~ **Notarized and Verified Documents.** ~~If an order, rule, or statute requires a document to be sworn, notarized, or verified,~~

the jurat or other act of verification may either be electronically created as permitted by law and in accordance with the Florida Supreme Court Standards for Electronic Access to the Courts, or may initially be committed to paper and filed, either as part of an electronically-filed document or with a cover page containing the style of the case, name of the document, and certificate of service.

~~(1) — when the clerk does not have the ability to accept and retain documents by electronic filing or has not had ECF Procedures approved by the supreme court;~~

~~(2) — for filing by any self-represented party or any self-represented nonparty unless specific ECF Procedures provide a means to file documents electronically. However, any self-represented nonparty that is a governmental or public agency and any other agency, partnership, corporation, or business entity acting on behalf of any governmental or public agency may file documents by electronic transmission if such entity has the capability of filing document electronically;~~

~~(3) — for filing by attorneys excused from e-mail service in accordance with rule 2.516(b);~~

~~(4) — when submitting evidentiary exhibits or filing non-documentary materials;~~

~~(5) — when the filing involves documents in excess of the appropriate size limitations specified in the Florida Supreme Court Standards for Electronic Access to the Court. For such filings, documents may be transmitted using an electronic storage medium that the clerk has the ability to accept, which may include a CD-ROM, flash drive, or similar storage medium;~~

~~(6) — when filed in open court, as permitted by the court;~~

~~(7) — when paper filing is permitted by any approved statewide or local ECF procedures; and~~

~~(8) — if any court determines that justice so requires.~~

(e) Service Filed Date and Time. A successfully filed document's file date and time is the earlier of:

~~(1) Electronic transmission may be used by a court or clerk for the service of all orders of whatever nature, pursuant to rule 2.516(h), and for the service of any documents pursuant to any ECF Procedures, provided the clerk, together with input from the chief judge of the circuit, has obtained approval from the supreme court of ECF Procedures containing the specific procedures and program to be used in transmitting the orders and documents. All other requirements for the service of such orders must be met. the date and time stamp applied to the document by the portal or other designated facility;~~

~~(2) Any document electronically transmitted to a court or clerk must also be served on all parties and interested persons in accordance with the applicable rules of court the date and time applied to the document by the clerk's manual stamp for documents filed under subdivision (c)(1)(A) and (c)(1)(B) of this rule; or~~

~~(3) the date and time applied to the document pursuant to subdivision (c)(1)(C) of this rule.~~

(f) Administration Docketing by Clerk; Unsuccessful Filing Attempt; Noncompliant Electronic Documents. When a document is submitted for filing under subdivision (b) or (c), the clerk is obligated to make it part of the official court file and index it in the progress docket of the case unless subdivision (f)(1) applies.

~~(1) Any clerk who, after obtaining supreme court approval, accepts for filing documents that have been electronically transmitted must A submitted document will not be docketed if it:~~

~~(A) provide electronic or telephonic access to its equipment, whether through an e-portal or otherwise, during regular business hours, and all other times as practically feasible contains an incorrect or missing case number or case style;~~

~~(B) accept electronic transmission of the appropriate size limitations specified in the Florida Supreme Court Standards for Electronic Access to the Court consists of multiple documents filed as 1 document; and~~

~~(C) accept filings in excess of the appropriate size limitations specified in the Florida Supreme Court Standards for Electronic Access to the Court by electronic storage device or system, which may include a CD-ROM, flash~~

drive, or similar storage system consists of a multi-page document filed as separate documents;

(D) is a proposed, i.e. unsigned, order or correspondence to the court;

(E) contains illegible, corrupt, or blank content; or

(F) is barred by order of court or is otherwise incapable of being filed in the clerk's case maintenance system.

(2) ~~All attorneys, parties, or other persons using this rule to file documents are required to make arrangements with the court or clerk for the payment of any charges authorized by general law or the supreme court before filing any document by electronic transmission.~~ If subdivision (f)(1) applies and the relevant case can be identified, the clerk, portal, or other designated facility will immediately notify all parties on the service list specifying the reason of the unsuccessful filing of the initial submission. The filer will be responsible for notifying a party participating in paper form under subdivision (c) of this rule. If the relevant case cannot be determined, the clerk will notify the person who submitted the document. The clerk, portal, or other designated facility will hold the document for 10 days, during which the person who submitted it may:

(A) file a new document that remedies the reasons stated in the notice but is otherwise substantially identical, which if successfully filed, relates back to the date of the unsuccessful filing attempt;

(B) file a motion for review of the clerk's action, attaching a copy of the document, in which case the clerk, portal, or other designated facility must hold the document until the motion is decided by the court; or

(C) take no action under subdivisions (f)(2)(A) or (f)(2)(B), thereby abandoning the document. An abandoned document may be discarded after 30 additional days unless the court orders otherwise.

(3) ~~The filing date for an electronically transmitted document is the date and time that such filing is acknowledged by an electronic stamp or otherwise, pursuant to any procedure set forth in any ECF Procedures approved by the supreme court, or the date the last page of such filing is received by the court or clerk.~~ Except for the reasons set forth in subdivision (f)(1) of this rule, the clerk will docket all documents submitted for filing and the clerk or portal may note

perceived noncompliance in its associated docket entry at which point noncompliant document may then be stricken by the court. The court may assess costs in favor of any other party, the clerk, or portal in an amount sufficient to discourage repetition of the noncompliant behavior.

~~(4) — Any court or clerk may extend the hours of access or increase the page or size limitations set forth in this subdivision.~~

~~(g) — **Accessibility.** All documents transmitted in any electronic form under this rule must comply with the accessibility requirements of Florida Rule of Judicial Administration 2.526.~~

Court Commentary

[NO CHANGE]

RULE 3.030. SERVICE AND FILING OF PLEADINGS, PAPERS, AND DOCUMENTS

(a) Service. Every pleading subsequent to the initial indictment or information on which a defendant is to be tried unless the court otherwise orders, and every order not entered in open court, every written motion unless it is one about which a hearing ex parte is authorized, and every written notice, demand, and similar document shall be served on each party in conformity with Florida Rule of Judicial Administration 2.516; however, nothing herein shall be construed to require that a plea of not guilty shall be in writing.

(b) Filing. All documents that are “court records” as defined in the Florida Rules of Judicial Administration must be filed with the clerk in accordance with Florida Rules of Judicial Administration 2.520 and 2.525.

(c) Deposit with the Clerk. Any paper document that is a judgment and sentence or required by statute or rule to be sworn to or notarized shall be filed and deposited with the clerk immediately ~~thereafter~~ after it is filed. This requirement does not apply to the documents filed pursuant to rules 3.121, 3.125, 3.160, 3.190, 3.240, 3.692, 3.811, 3.840, and 3.984.

(d) Maintenance of Deposited Documents. The clerk shall maintain deposited original paper documents in accordance with Florida Rule of Judicial Administration 2.430, unless otherwise ordered by the court.