The Florida Bar rules committees have filed an out-of-cycle report of proposed rule amendments to implement electronic filing of documents with courts.

The Court invites all interested persons to comment on the proposed amendments, which are reproduced in full below, as well as online at http://www.floridasupremecourt.org/decisions/proposed.shtml. An original and nine paper copies of all comments must be filed with the Court on or before May 2, 2011, with a certificate of service verifying that a copy has been served on the committee chairs, Robert M. Eschenfelder, Chair Code and Rules of Evidence Committee, 1112 Manatee Avenue W., Suite 969, Bradenton, Florida 34205-7804; John Granville Crabtree, Chair Appellate Court Rules Committee, 240 Crandon Boulevard, Suite 234, Key Biscayne, Florida 33149-1624; Robert T. Strain, Chair Criminal Procedure Rules Committee, 3801 Corporex Park Drive, Suite 210, Tampa, Florida 33619-1136; Donald E. Christopher, Chair Civil Procedure Rules Committee, P.O. Box 1549, Orlando, Florida 32802-1549; Steven P. Combs, Chair Family Law Rules Committee, 3217 Atlantic Boulevard, Jacksonville, Florida 32207-8901; William W. Booth, Chair Juvenile Court Rules Committee, 423 Fern Street, Suite 200, West Palm Beach, Florida 33401-5839; Michele A. Cavallaro, Chair Small Claims Rules Committee, 6600 N. Andrews Avenue, Suite 300, Ft. Lauderdale, Florida 33309-2189; Jeffrey S. Goethe, Chair Probate Rules Committee, 3119 Manatee Avenue W., Bradenton, Florida 34205-3350; John J. Anastasio, Chair Traffic Court Rules Committee, 3601 S.E. Ocean Boulevard, Suite 203, Stuart, Florida 34996-6737; and Katherine E. Giddings, Chair Rules of Judicial Administration Committee, 106 E. College Avenue, Suite 1200, Tallahassee, Florida 32301-7741, as well as a separate request for oral argument if the person filing the comment wishes to participate in oral argument, which may be scheduled in this case. The committee chairs have until May 23, 2011, to file a response to any comments filed with the Court. Electronic copies of all comments also must be filed in accordance with the Court's administrative order In re Mandatory Submission of Electronic Copies of Documents, Fla. Admin. Order No. AOSC04-84 (Sept. 13, 2004).

IN THE SUPREME COURT OF FLORIDA

IN RE: AMENDMENTS TO THE FLORIDA RULES OF CIVIL PROCEDURE, THE FLORIDA RULES OF JUDICIAL ADMINISTRATION, THE FLORIDA RULES OF CRIMINAL

PROCEDURE, THE FLORIDA PROBATE RULES, THE FLORIDA SMALL CLAIMS RULES, THE FLORIDA RULES OF JUVENILE PROCEDURE, THE FLORIDA RULES OF APPELLATE PROCEDURE, AND THE FLORIDA FAMILY LAW RULES OF PROCEDURE -- ELECTRONIC FILING, CASE NO. SC11-399

FLORIDA RULES OF CIVIL PROCEDURE

RULE 1.030. NONVERIFICATION OF PLEADINGS

Except when otherwise specifically provided by these rules or an applicable statute, every ~~written~~ pleading or other ~~paper~~document of a party represented by an attorney need not be verified or accompanied by an affidavit.

Committee Notes

[No Change]

[NOTE FOR RULE 1.080: Deletion of current language of rule proposed in Case No. SC10-2101. Single underlines are amendments pending in Case No. SC10-2101. Double-underlines are changes proposed in SC11-399 and subject to comment here.]

RULE 1.080. SERVICE AND FILING OF PLEADINGS, ~~AND PAPERS~~ORDERS, AND DOCUMENTS

(a) Service. Every pleading subsequent to the initial pleading, all orders, and any other documents filed in the action must be served in conformity with the requirements of Florida Rule of Judicial Administration 2.516.

(b) Writing and written defined. Writing or written means a document containing information, an application, or a stipulation.

FLORIDA RULES OF JUDICIAL ADMINISTRATION

RULE 2.430. RETENTION OF COURT RECORDS

(a) [No Change]

(b) Permanently Recorded Records.

(1) Court records, except exhibits, that have been permanently recorded may be destroyed or otherwise disposed of by the clerk at any time after a judgment has become final.

(2) Any physical media submitted to the clerk for the purpose of filing information contained in the media may be destroyed, retained, or otherwise disposed of by the clerk once the contents of the media have been made a part of the court record.

(c) – (k) [No Change]

RULE 2.510. FOREIGN ATTORNEYS

(a) – (b) [No Change]

IN THE _____ COURT OF THE _____ JUDICIAL CIRCUIT,
IN AND FOR _____, COUNTY, FLORIDA

_____ Case No._____
Plaintiff

Division _____

vs.

_____
Defendant

VERIFIED MOTION FOR ADMISSION TO APPEAR *PRO HAC VICE* PURSUANT TO FLORIDA RULE OF JUDICIAL ADMINISTRATION 2.510

Comes now_____, Movant herein, and respectfully represents the following:

1. [ ] Movant resides in _____, _____. Movant
(City) (State)
is not a resident of the State of Florida.

[ ] Movant is a resident of the State of Florida and has an application pending for admission to The Florida Bar and has not previously been denied admission to The Florida Bar.

2. Movant is an attorney and a member of the law firm of (or practices law under the name of) _____, with offices at _____, _____,
(Street Address) (City)
_____, _____, _____, _____.
(County) (State) (Zip Code) (Telephone)

3. Movant has been retained personally or as a member of the above named law firm on _____ by _____
(Date Representation Commenced) (Name of Party or Parties)
_____
to provide legal representation in connection with the above-styled matter now pending before the above-named court of the State of Florida.

4. Movant is an active member in good standing and currently eligible to practice law in the following jurisdiction(s): Include attorney or bar number(s). (Attach an additional sheet if necessary.)

JURISDICTION	ATTORNEY/BAR NUMBER

5. There are no disciplinary proceedings pending against Movant, except as provided below (give jurisdiction of disciplinary action, date of disciplinary action, nature of the violation and the sanction, if any, imposed): (Attach an additional sheet if necessary.)
_____
_____
_____
_____
_____

6. Within the past five (5) years, Movant has not been subject to any disciplinary proceedings, except as provided below (give jurisdiction of disciplinary action, date of disciplinary action, nature of the violation and the sanction, if any, imposed): (Attach an additional sheet if necessary.)
_____
_____
_____
_____
_____

7. Movant has never been subject to any suspension proceedings, except as provided below (give jurisdiction of disciplinary action, date of disciplinary action, nature of the violation and the sanction, if any, imposed):
(Attach an additional sheet if necessary.)

_____
_____
_____
_____
_____

8. Movant has never been subject to any disbarment proceedings, except as provided below (give jurisdiction of disciplinary action, date of disciplinary action, nature of the violation and the sanction, if any, imposed):
(Attach an additional sheet if necessary.)

_____
_____
_____
_____
_____

9. Movant, either by resignation, withdrawal, or otherwise, never has terminated or attempted to terminate Movant's office as an attorney in order to avoid administrative, disciplinary, disbarment, or suspension proceedings.

10. Movant is not an inactive member of The Florida Bar.

11. Movant is not now a member of The Florida Bar.

12. Movant is not a suspended member of The Florida Bar.

13. Movant is not a disbarred member of The Florida Bar nor has Movant received a disciplinary resignation from The Florida Bar.

14. Movant has not previously been disciplined or held in contempt by reason of misconduct committed while engaged in representation pursuant to Florida Rule of Judicial Administration 2.510, except as provided below (give date of disciplinary action or contempt, reasons ~~there for~~therefor, and court imposing contempt): (Attach an additional sheet if necessary.)

_____
_____
_____
_____
_____

15. Movant has filed motion(s) to appear as counsel in Florida state courts during the past five (5) years in the following matters: (~~a~~Attach an additional sheet if necessary.)

Date of Motion Case Name Case Number Court Date MotionGranted/Denied

_____
_____
_____
_____
_____

16. Local counsel of record associated with Movant in this matter is _____
(Name and Florida Bar Number)
who is an active member in good standing of The Florida Bar and has offices at
_____, _____, _____, _____
(Street Address) (City) (State) (Zip Code)
_____.
(Telephone with area code)
(If local counsel is not an active member of The Florida Bar in good standing, please provide information as to local counsel's membership status._____)

17. Movant has read the applicable provisions of Florida Rule of Judicial Administration 2.510 and Rule 1-3.10 of the Rules Regulating The Florida Bar and certifies that this verified motion complies with those rules.

18. Movant agrees to comply with the provisions of the Florida Rules of Professional Conduct and consents to the jurisdiction of the courts and the Bar of the State of Florida.

WHEREFORE, Movant respectfully requests permission to appear in this court for this cause only.

DATED this _____ day of _____, 20____.

_____
Movant

_____
Address

_____
Address

_____
City, State, Zip Code

_____
Telephone Number

STATE OF _____

COUNTY OF _____

I, _____, do hereby swear or affirm under penalty of perjury that I am the Movant in the above-styled matter; that I have read the foregoing Motion and know the contents thereof, and the contents are true of my own knowledge and belief.

_____
Movant

I hereby consent to be associated as local counsel of record in this cause pursuant to Florida Rule of Judicial Administration 2.510.

DATED this _____ day of _____, 20____.

_____
Local Counsel of Record

_____
Address

_____
Address

_____
City, State, Zip Code

_____
Telephone Number

_____
Florida Bar Number

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing motion was ~~furnished by U.S. mail~~served on (insert the name or names and addresses used for service) by (email) (delivery) (mail) (fax) to PHV Admissions, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2333 accompanied by payment of the $250.00 filing fee made payable to The Florida Bar and to _____
_____

Name and Address of All Counsel of Record and of Parties Not Represented by Counsel this _____ day of _____, 20____.

_____
Movant

RULE 2.520. ~~PAPER~~DOCUMENTS

(a) ~~Type and Size~~Electronic Filing Mandatory. All ~~pleadings, motions, petitions, briefs, notices, orders, judgments, decrees, opinions, and other papers and official~~ 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 other paper or writing submitted to a court.

(b) Type and Size. Documents subject to the exceptions set forth in rule 2.525(d) shall be filed on recycled paper measuring 8 1/2 by 11 inches. For purposes of this rule, paper is recycled if it contains a minimum content of 50 percent waste paper. Xerographic reduction of legal-size (8 1/2 by 14 inches) documents to letter size (8 1/2 by 11 inches) is prohibited. All other documents filed by electronic transmission shall be filed in a format capable of being printed in a format consistent with the provisions of this rule.

(~~b~~c) Exhibits. Any exhibit or attachment filed with pleadings or papers may be filed in its original size.

(~~c~~d) Recording Space. On all papers and 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.

(~~d~~e) Exceptions to Recording Space. Any papers or 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.

(~~e~~f) Noncompliance. No clerk of court shall refuse for filing any document or paper 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 transmission by electronic signals, to or from a court or clerk~~ of the court~~, of information which when received can be transformed and stored or ~~reproduced~~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 ~~S~~supreme ~~C~~court ~~of Florida~~ in a format sufficient to communicate the information on the original document in a readable format. Electronic transmission of documents includes electronic mail ("email") and any internet-based transmission procedure, and may include procedures allowing for documents to be signed or verified by electronic means.

(b) Application. Any court or clerk ~~of the court~~ 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 ~~the~~ procedures, ~~and~~ programs, and standards for electronic filing ~~for doing so~~ from the ~~S~~supreme ~~C~~court ~~of Florida~~("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.

(c) Documents Affected.

(1) All documents that are court records, as defined in rule 2.430(a)(1), ~~may~~must be filed by electronic transmission, provided that:

(A) the clerk ~~of court~~ has the ability to accept and retain such documents;

(B) the clerk ~~of court~~ or the chief judge of the circuit has requested permission to accept documents filed by electronic transmission; and

(C) the ~~S~~supreme ~~C~~court ~~of Florida~~ has entered an order granting permission to the clerk ~~of court~~ to accept documents filed by electronic transmission.

~~Any attorney, party, or other person who files a document by electronic transmission shall, immediately thereafter, file the identical document, in paper form, with an original signature of the attorney, party, or other person if a signature is otherwise required by these rules (hereinafter called the follow-up filing).~~

(2) ~~The follow-up filing of any document that has previously been filed by electronic transmission may be discontinued if:~~

~~(A) after a 90-day period of accepting electronically filed documents, the clerk of court or the chief judge of the circuit certifies to the Supreme Court of Florida that the electronic filing system is efficient, reliable, and meets the demands of all parties;~~

~~(B) the clerk of court or the chief judge of the circuit requests permission to discontinue that portion of the rule requiring a follow-up filing of documents in paper form, except as otherwise required by general law, statute, or court rule; and~~

~~(C) the Supreme Court of Florida enters an order directing the clerk of court to discontinue accepting the follow-up filing.~~

All documents filed by electronic transmission under this rule satisfy any requirement for the filing of an original, except where the court, law, or rule of procedure otherwise provides for the submittal of an original.

(d) ~~Service.~~Exceptions. Paper documents or other submissions may be manually submitted to the clerk for filing:

(1) ~~Electronic transmission may be used by a court for the service of all orders of whatever nature provided the clerk, together with input from the chief judge of the circuit, has obtained approval from the Supreme Court of Florida of the specific procedures and program to be used in transmitting the orders. All other requirements for the service of such an order shall be met.~~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) ~~Any document electronically transmitted to a court or clerk of the court shall also be served on all parties and interested persons in accordance with the applicable rules of court.~~by self-represented litigants, third parties, or non-litigants, unless specific ECF Procedures provide a means for such self-represented litigants, third parties, or non-litigants to file documents electronically;

(3) by attorneys excused from email service in accordance with rule 2.516(b)(2);

(4) when the filing involves non-electronic documents or exhibits, such as trial or hearing exhibits, court approved forms, executed wills, non-documentary items such as cassettes, video tapes, DVDs, weapons, drugs, original exhibits, or other original attachments to filings, etc.;

(5) when the filing involves documents in excess of 25 megabytes (25MB) in size. For such filings, documents may be transmitted using an electronic storage device or system that the clerk has the ability to accept, which may include a CD-ROM, flash drive, or similar storage system;

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

(7) when the document is required by any statute or other rule of procedure to be an original document, including surety bonds, criminal plea agreements, documents required to be notarized, etc;

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

(9) if any court determines that justice so requires.

(e) ~~Transmission Difficulties~~Service. ~~Any attorney, party, or other person who elects to file any document by electronic transmission shall be responsible for any delay, disruption, interruption of the electronic signals, and readability of the document, and accepts the full risk that the document may not be properly filed with the clerk as a result.~~

(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.

(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.

(f) Administration.

(1) Any clerk ~~of the court~~ who, after obtaining ~~S~~supreme ~~C~~court ~~of Florida~~ approval, accepts for filing documents that have been electronically transmitted ~~shall~~must:

(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; and

(B) accept electronic transmission of documents up to 25 megabytes (25MB) in size, or until E-Filing has been fully implemented, accept facsimile transmissions of documents up to 10 pages in length; and

(C) accept filings in excess of 25 megabytes (25MB) in size by electronic storage device or system, which may include a CD-ROM, flash drive, or similar storage system.

(2) All attorneys, parties, or other persons using this rule to file documents are required to make arrangements with the court or clerk ~~of the court~~ for the payment of any charges authorized by general law or the ~~S~~supreme ~~C~~court ~~of Florida~~ before filing any document by electronic transmission.

(3) The filing date for an electronically transmitted document ~~shall be~~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 ~~thereof~~of such filing is received by the court or clerk ~~of the court~~.

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

Court Commentary

1997 Amendment. Originally, the rule provided that the follow-up filing had to occur within ten days. In the 1997 amendment to the rule, that requirement was modified to provide that the follow-up filing must occur "immediately" after a document is electronically filed. The "immediately thereafter" language is consistent with language used in the rules of procedure where, in a somewhat analogous situation, the filing of a document may occur after service. *See~~,~~, e.g.*, Florida Rule of Civil Procedure 1.080(d) ("All original papers shall be filed with the court either before service or *immediately thereafter*.") (emphasis added). "Immediately thereafter" has been interpreted to mean "filed with reasonable promptness." *Miami Transit Co. v. Ford*, 155 So.2d 360 (Fla. 1963).

The use of the words "other person" in this rule is not meant to allow a nonlawyer to sign and file pleadings or other papers on behalf of another. Such conduct would constitute the unauthorized practice of law.

RULE 2.535. COURT REPORTING

(a) Definitions.

(1) – (5) [No Change]

(6) "Official record" means the transcript, which is the written or electronically stored record of court proceedings and depositions prepared in accordance with the requirements of subdivision (f).

(b) – (e) [No Change]

(f) Transcripts. Transcripts of all judicial proceedings, including depositions, shall be uniform in and for all courts throughout the state and shall be stored in an electronic format sufficient to communicate the information contained in proceedings in a readable format, and capable of being transmitted electronically as set forth in rule 2.525. Any transcripts stored in electronic form must be capable of being printed in accordance with this rule. The form, size, spacing, and method of printing transcripts are as follows:

(1) – (10) [No Change]

(g) – (j) [No Change]

Committee Note

[No Change]

[NOTE FOR RULE 3.030: Single strikethrough and single underlines are amendments pending in Case No. SC10-2101. Double-strikethrough and double-underlines are changes proposed in Case No. SC11-399 and subject to comment here]

FLORIDA RULES OF CRIMINAL PROCEDURE

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

~~(a) Service; When Required~~. 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 ~~paper~~document shall be served on each party in conformity with rule 2.516, Florida Rules of Judicial Administration; however, nothing herein shall be construed to require that a plea of not guilty shall be in writing.

~~(b)~~ ~~Same; How Made.~~ ~~When service is required or permitted to be made on a party represented by an attorney, the service shall be made on the attorney unless service on the party is ordered by the court. Service on the attorney or on a party shall be made by delivering a copy to the party or by mailing it to the party's last known address, or, if no address is known, by leaving it with the clerk of the court who shall place it in the court file. Delivery of a copy within this rule shall mean:~~

~~(1) handing it to the attorney or to the party; or~~

~~(2) leaving it at the attorney's office with the secretary or other person in charge; or~~

~~(3) if there is no one in charge, leaving it in a conspicuous place therein; or~~

~~(4) 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 a family member above 15 years of age and informing that person of the contents. Service by mail shall be considered complete upon mailing; or~~

~~(5) transmitting it electronically to each party with a cover sheet indicating the sender's name, bar number, firm, address, telephone number, facsimile or modem number, and the number of pages transmitted. Electronic service occurs when transmission of the last page is complete. Service by delivery or electronic transmission after 5:00 p.m. shall be deemed to have been made on the next day that is not a Saturday, Sunday, or legal holiday.~~

~~**(c)** Filing. All original papers, copies of which are required to be served on parties, must be filed with the court either before service or immediately thereafter.~~ All documents that are "court records" as defined in the Florida Rules of Judicial Administration must be filed with the clerk by electronic transmission in accordance with rules 2.520 and 2.525, Florida Rules of Judicial Administration, provided that an original is not required to be filed in paper format. All documents which are required or permitted to be served on parties must be filed with the court either before service or immediately thereafter.

(c) Submitting Originals. Originals which must be filed in paper format with the clerk include: charging documents, indictments, informations, petitions, affidavits, plea agreements, documents filed under seal, ex parte documents, and any documents which are required to be sworn or notarized. Original charging documents must be kept by the clerk in accordance with the Florida Rules of Judicial Administration. All other original documents filed in paper format must be scanned by the clerk and provided to the prosecuting authority to determine whether or not the original is kept. If permitted by approved statewide or local ECF procedures, original documents may be submitted electronically for purposes of a filing date; however, the original document must also be filed in paper format in accordance with this rule. All original documents under this rule must certify that they were filed in paper format to the clerk.

~~**(d) Filing with the Court Defined.** The filing of pleadings and other papers with the court as required by these rules shall be made by filing them with the clerk of the court, except that the judge may permit the papers to be filed with him or~~

~~her, in which event the judge shall note thereon the filing date and transmit them to the office of the clerk. Unless any rule expressly provides to the contrary, filing of pleadings and other papers with the court may be made by electronic transmission provided for and in accordance with the Florida Rules of Judicial Administration.~~

~~**(e) Certificate of Service.** When any attorney shall in substance certify:~~

~~I do certify that a copy (copies) hereof (has) (have) been furnished to (here insert name or names) by (delivery) (mail) on .....(date).....~~

~~_____~~

~~Attorney~~

~~the certificate shall be taken as prima facie proof of service in compliance with all rules of court and law.~~

Committee Notes

[No Change]

RULE 3.070. ADDITIONAL TIME AFTER SERVICE BY MAIL <u>WHEN PERMITTED</u>

Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other ~~paper~~<u>document</u> on the party and the notice or ~~paper~~<u>document</u> is served on the party by mail <u>when permitted</u>, 3 days shall be added to the prescribed period.

Committee Notes

[No Change]

RULE 3.080. NONVERIFICATION OF PLEADINGS

Except when otherwise specifically provided by these rules or an applicable statute, every written pleading or other ~~paper~~document of a party represented by an attorney need not be verified or accompanied by an affidavit.

Committee Notes

[No Change]

RULE 3.090. PLEADING CAPTIONS

Every pleading, motion, order, judgment, or other ~~paper~~document shall have a caption containing the name of the court, the file number, the name of the first party on each side with an appropriate indication of other parties, and a designation identifying the party filing it and its nature or the nature of the order, as the case may be. All ~~papers~~documents filed in the action shall be styled in such a manner as to indicate clearly the subject matter of the ~~paper~~document and the party requesting or obtaining relief.

RULE 3.240. CHANGE OF VENUE

(a) – (h) [No Change]

(i) Action of Receiving Court. The court to which the cause is removed shall proceed to trial and judgment therein as if the cause had originated in that court. If it is necessary to have any of the original pleadings or other ~~papers~~documents before that court, the court from which the cause is removed shall at any time on application of the prosecuting attorney or the defendant order such ~~papers~~documents or pleadings to be transmitted by the clerk, a certified copy thereof being retained.

(j) [No Change]

Committee Notes

[No Change]

RULE 3.851. COLLATERAL RELIEF AFTER DEATH SENTENCE HAS BEEN IMPOSED AND AFFIRMED ON DIRECT APPEAL

(a) – (e) [No Change]

(f) Procedure; Evidentiary Hearing; Disposition.

(1) Filing and Service. All pleadings in the postconviction proceeding shall be filed with the clerk of the trial court and served on the assigned judge, opposing party, and the attorney general. Upon the filing of any original court ~~paper~~document in the postconviction proceeding, the clerk of the trial court shall determine that the assigned judge has received a copy. All motions other than the postconviction motion itself shall be accompanied by a notice of hearing.

(2) – (7)

(g) – (j)

Court Commentary

[No Change]

PROBATE RULES

RULE 5.043. DEPOSIT OF WILLS AND CODICILS

Notwithstanding any rule to the contrary, and unless the court orders otherwise, any original executed will or codicil deposited with the court must be retained by the clerk in its original form and must not be destroyed or disposed of by the clerk for 20 years after submission regardless of whether the will or codicil has been permanently recorded as defined by rule 2.430, Florida Rules of Judicial Administration.

Committee Notes

Rule 2.525, Fla. R. Jud. Admin., requires that all documents be filed with the court electronically. Although the Florida Statutes direct the deposit of a will, rather than the filing of the will, the committee believes that original wills and

codicils should be retained in their original form longer than other documents filed with the court due to the unique evidentiary aspects of the actual document. These unique aspects could be lost forever if the original document were converted to electronic form and the original destroyed.

Rule History

2011 Revision: New Rule.

Statutory References

§ 731.201(16), Fla. Stat. General definitions.
§ 732.901, Fla. Stat. Production of wills.

Rule References

Fla. R. Jud. Admin. 2.430 Retention of court records.
Fla. R. Jud. Admin. 2.525 Electronic filing.

FLORIDA SMALL CLAIMS RULES

RULE 7.080. ~~SERVICE~~FILING OF PLEADINGS AND ~~PAPERS~~DOCUMENTS OTHER THAN STATEMENT OF CLAIM

(a) – (c) [No Change]

(d) Filing with the Court Defined. The filing of ~~papers~~documents with the court as required by these rules is made by filing them with the clerk, except that the judge may permit the ~~papers~~documents to be filed with the judge, in which event the judge shall note thereon the filing date and transmit them to the clerk, and the clerk shall file them as of the same date they were filed with the judge. Parties represented by an attorney must file documents in compliance with the electronic filing (e-filing) requirements set forth in the Florida Rules of Judicial Administration. Parties not represented by an attorney may file documents in compliance with the e-filing requirement if permitted by the Florida Rules of Judicial Administration.

(e) – (f) [No Change]

Court Commentary

[No Change]

FLORIDA RULES OF JUVENILE PROCEDURE
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[No Rules Added]

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[Same Subparts; No Rules Added]

PART ~~V~~VI. FORMS FOR USE WITH RULES OF JUVENILE PROCEDURE

[Same Subparts; No Rules Added]

RULE 8.000. SCOPE AND PURPOSE

These rules shall govern the procedures in the juvenile division of the circuit court in the exercise of its jurisdiction under Florida law.

Part ~~I~~II of these rules governs the procedures for delinquency cases in the juvenile court. Part ~~III~~IV governs the procedures for families and children in need of services cases in the juvenile court. The Department of Juvenile Justice shall be referred to as the "department" in these parts.

Part ~~II~~III of these rules governs the procedures for dependency cases in the juvenile court. The Department of Children and Family Services shall be referred to as the "department" in that part.

These rules are intended to provide a just, speedy, and efficient determination of the procedures covered by them and shall be construed to secure simplicity in procedure and fairness in administration.

They shall be known as the Florida Rules of Juvenile Procedure and may be cited as Fla. R. Juv. P.

When appropriate the use of singular nouns and pronouns shall be construed to include the plural and the use of plural nouns and pronouns shall be construed to include the singular.

Committee Notes

[No Change]

RULE 8.003. FAMILY LAW COVER SHEET

The party opening or reopening a case under Part ~~I, II, III, or IV~~II, III, IV, or V of these rules shall file with the clerk of the circuit court Florida Family Law Rules of Procedure Form 12.928, Cover Sheet for Family Law Cases.

RULE 8.004. ELECTRONIC FILING

(a) All documents that are court records, as defined in Fla. R. Jud. Admin 2.430(a)(1), are to be filed by electronic transmission, consistent with the requirements of Fla. R. Jud. Admin 2.525, provided that:

(1) the clerk has the ability to accept and retain such documents;

(2) the clerk or the chief judge of the circuit has requested permission to accept documents filed by electronic transmission; and

(3) the supreme court has entered an order granting permission to the clerk to accept documents filed by electronic transmission.

(b) All documents filed by electronic transmission under this rule satisfy any requirement for the filing of an original, except where the court, law, or these rules otherwise provide for the submittal of an original.

(c) The following paper documents or other submissions may be manually submitted to the clerk for filing under the following circumstances:

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

(2) by self-represented litigants, third parties, or nonlitigants, unless specific ECF Procedures provide a means for such self-represented litigants, third parties, or nonlitigants to file documents electronically;

(3) by attorneys excused from e-mail service pursuant to these rules or Fla. R. Jud. Admin. 2.516;

(4) when the filing involves nonelectronic documents or exhibits, such as trial or hearing exhibits, court approved forms, executed wills, nondocumentary items such as cassettes, videotapes, DVDs, weapons, drugs, original exhibits, or other original attachments to filings, etc.;

(5) when the filing involves documents in excess of 25 megabytes (25 MB) in size. For such filings, documents may be transmitted using an electronic

storage device or system that the clerk has the ability to accept, which may include a CD-ROM, flash drive, or similar storage system;

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

(7) when the document is required by any statute or these rules to be an original document;

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

(9) if any court determines that justice so requires.

(d) 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.

(e) Where these rules are silent, Fla. R. Jud. Admin. 2.525 controls.

(f) Electronic transmission may be used by a court for the service of all orders, pursuant to Fla. R. Jud. Admin 2.516, and for the service of filings pursuant to any electronic court filing procedures (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 filings.

RULE 8.205. TRANSFER OF CASES

(a) Transfer of Cases Within Circuit Court. If it should appear at any time in a proceeding initiated in a division other than the division of the circuit court assigned to handle dependency matters that facts are alleged that essentially constitute a dependency or the termination of parental rights, the court may upon consultation with the administrative judge assigned to dependency cases order the transfer of action and the transmittal of all relevant ~~papers~~documents to the division assigned to handle dependency matters. The division assigned to handle dependency matters shall then assume jurisdiction only over matters pertaining to dependency, custody, visitation, and child support.

(b) – (c) [No Change]

Committee Notes

[No Change]

RULE 8.217. ATTORNEY AD LITEM

(a) Request. At any stage of the proceedings, any party may request or the court may consider whether an attorney ad litem is necessary to represent any child alleged, or found, to be dependent, if one has not already been appointed.

(b) – (c) [No Change]

(d) Service. An attorney ad litem shall be entitled to receive and must provide service of pleadings and ~~papers~~documents as provided by rule 8.225.

RULE 8.230. PLEADINGS TO BE SIGNED

(a) Pleading to Be Signed by Attorney. Every written ~~paper~~document or pleading of a party represented by an attorney shall be signed in the attorney's individual name by such attorney, whose Florida Bar number, address, and telephone number, including area code, shall be stated and who shall be duly licensed to practice law in Florida. The attorney may be required by an order of court to vouch for the authority to represent such party and to give the address of such party. Except when otherwise specifically provided by these rules or applicable statute, pleadings as such need not be verified or accompanied by affidavit.

(b) Pleading to Be Signed by Unrepresented Party. A party who has no attorney but who represents himself or herself shall sign a written pleading or other ~~paper~~document to be filed and state his or her address and telephone number, including area code.

(c) Effect of Signing Pleading. The signature of a person shall constitute a certificate that the ~~paper~~document or pleading has been read; that to the best of the person's knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay. If a pleading or ~~paper~~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 pleading or ~~paper~~document had not been filed.

Committee Notes

[No Change]

RULE 8.690. DISPOSITION HEARINGS

(a) – (c) [No Change]

(d) Out-of-Home Placement. If the court places the child in out-of-home placement, subsequent proceedings shall be governed by part ~~II~~IIID of these rules.

FLORIDA RULES OF APPELLATE PROCEDURE

RULE 9.020. DEFINITIONS

The following terms have the meanings shown as used in these rules:

(a) – (g) [No Change]

(h) Applicability of Florida Rules of Judicial Administration. The Florida Rules of Judicial Administration are applicable in all proceedings governed by these rules, except as otherwise provided in these rules. These rules shall govern where in conflict with the Florida Rules of Judicial Administration.

(~~h~~i) Rendition (of an Order). An order is rendered when a signed, written order is filed with the clerk of the lower tribunal. However, unless another applicable rule of procedure specifically provides to the contrary, if a final order has been entered and there has been filed in the lower tribunal an authorized and timely motion for new trial, for rehearing, for certification, to alter or amend, for judgment in accordance with prior motion for directed verdict, for arrest of judgment, to challenge the verdict, to correct a sentence or order of probation pursuant to Florida Rule of Criminal Procedure 3.800(b)(1), to withdraw a plea after sentencing pursuant to Florida Rule of Criminal Procedure 3.170(*l*), or to vacate an order based upon the recommendations of a hearing officer in accordance with Florida Family Law Rule of Procedure 12.491, the following exceptions apply:

(1) – (3) [No Change]

(~~i~~j) Rendition of an Appellate Order. If any timely and authorized motion under rule 9.330 or 9.331 is filed, the order shall not be deemed rendered as to any party until all of the motions are either abandoned or resolved by the filing of a written order.

Committee Notes

[No Change]

Court Commentary

[No Change]

RULE 9.110. APPEAL PROCEEDINGS TO REVIEW FINAL ORDERS OF LOWER TRIBUNALS AND ORDERS GRANTING NEW TRIAL IN JURY AND NON-JURY CASES

(a) [No Change]

(b) Commencement. Jurisdiction of the court under this rule shall be invoked by filing ~~an original and 1 copy of~~ a notice, accompanied by any filing fees prescribed by law, with the clerk of the lower tribunal within 30 days of rendition of the order to be reviewed.

(c) Exception; Administrative Action. In an appeal to review final orders of lower administrative tribunals, the appellant shall file the ~~original~~ notice with the clerk of the lower administrative tribunal within 30 days of rendition of the order to be reviewed, and shall also file a copy of the notice, accompanied by any filing fees prescribed by law, with the clerk of the court.

(d) [No Change]

(e) Record. Within 50 days of filing the notice, the clerk shall prepare the record prescribed by rule 9.200 and serve copies of the index on all parties. Within 110 days of filing the notice, the clerk shall electronically transmit the record to the court.

(f) [No Change]

(g) Cross-Appeal. An appellee may cross-appeal by serving a notice within 10 days of service of the appellant's timely filed notice of appeal or within the time prescribed for filing a notice of appeal, whichever is later. The ~~original and 1 copy of the~~ notice of cross-appeal, accompanied by any filing fees prescribed by law, shall be filed either before service or immediately thereafter in the same manner as the notice of appeal.

(h) – (i) [No Change]

(j) Exception; Appeal Proceedings from District Courts of Appeal. If the appeal is from an order of a district court of appeal, the clerk shall electronically transmit the record to the court within 60 days of filing the notice. Appellant's initial brief shall be served within 20 days of filing the notice. Additional briefs shall be served as prescribed by rule 9.210.

(k) – (m) [No Change]

(n) Exception; Appeal of Final Order Dismissing Petition for Judicial Waiver of Parental Notice of Termination of Pregnancy. If an unmarried minor or another person on her behalf appeals an order dismissing a petition for judicial waiver of parental notice of termination of pregnancy, the clerk of the lower tribunal shall prepare and electronically transmit the record as described in rule 9.200(d) within 2 days from the filing of the notice of appeal. The district court of appeal shall render its decision on the appeal as expeditiously as possible and no later than 10 days from the filing of the notice of appeal. Briefs or oral argument may be ordered at the discretion of the district court of appeal. The minor may move for leave to file a brief and may request oral argument. If no decision is rendered within the foregoing time period, the order shall be deemed reversed, the petition shall be deemed granted, and the clerk shall place a certificate to this effect in the file and provide the minor with a certified copy of the certificate. The appeal and all proceedings thereon shall be confidential so that the minor shall remain anonymous. The file shall remain sealed unless otherwise ordered by the court. Should the dismissal of the petition be reversed on appeal, the clerk shall furnish the petitioner with a certified copy of the decision or the clerk's certificate for delivery to the minor's physician. No filing fee shall be required for any part of an appeal of the dismissal of a petition for a waiver of parental notice of termination of pregnancy.

Committee Notes

[No Change]

Court Commentary

[No Change]

RULE 9.120. DISCRETIONARY PROCEEDINGS TO REVIEW ` DECISIONS OF DISTRICT COURTS OF APPEAL

(a) [No Change]

(b) Commencement. The jurisdiction of the supreme court described in rule 9.030(a)(2)(A) shall be invoked by filing ~~2 copies of~~ a notice, accompanied by the filing fees prescribed by law, with the clerk of the district court of appeal within 30 days of rendition of the order to be reviewed.

(c) – (d) [No Change]

(e) Accepting or Postponing Decision on Jurisdiction; Record. If the ~~S~~supreme ~~C~~court accepts or postpones decision on jurisdiction, the court shall so order and advise the parties and the clerk of the district court of appeal. Within 60 days thereafter or such other time set by the court, the clerk shall electronically transmit the record.

(f) [No Change]

Committee Notes

[No Change]

RULE 9.125. REVIEW OF TRIAL COURT ORDERS AND JUDGMENTS CERTIFIED BY THE DISTRICT COURTS OF APPEAL AS REQUIRING IMMEDIATE RESOLUTION BY THE SUPREME COURT

(a) – (f) [No Change]

(g) Procedure When Supreme Court Accepts Jurisdiction. The jurisdiction of the supreme court attaches on rendition of the order accepting

jurisdiction. If the supreme court accepts jurisdiction, it shall so order and advise the parties, the clerk of the district court, and the clerk of the lower tribunal. The clerk of the district court shall ~~transfer~~electronically transmit the record in the case to the supreme court within 10 days thereafter. The time limitations of the applicable jurisdictional rule will continue in effect, except that all papers formerly required to be filed in the district court shall be filed in the supreme court.

Committee Notes

[No Change]

RULE 9.130. PROCEEDINGS TO REVIEW NON-FINAL ORDERS AND SPECIFIED FINAL ORDERS

(a) [No Change]

(b) Commencement. The jurisdiction to seek review of orders described in subdivisions (a)(3)–(a)(6) shall be invoked by filing ~~2 copies of~~ a notice, accompanied by the filing fees prescribed by law, with the clerk of the lower tribunal within 30 days of rendition of the order to be reviewed.

(c) – (h) [No Change]

Committee Notes

[No Change]

RULE 9.140. APPEAL PROCEEDINGS IN CRIMINAL CASES

(a) [No Change]

(b) Appeals by Defendant.

(1) [No Change]

(2) Guilty or Nolo Contendere Pleas.

(A) [No Change]

(B) Record.

(i) [No Change]

(ii) Upon good cause shown, the court, or the lower tribunal before the record is electronically transmitted, may expand the record.

(3) – (4) [No Change]

(c) [No Change]

(d) Withdrawal of Defense Counsel after Judgment and Sentence or after Appeal by State.

(1) The attorney of record for a defendant in a criminal proceeding shall not be relieved of any professional duties, or be permitted to withdraw as defense counsel of record, except with approval of the lower tribunal on good cause shown on written motion, until either the time has expired for filing an authorized notice of appeal and no such notice has been filed by the defendant or the state, or after the following have been completed:

(A) – (D) [No Change]

(E) in publicly funded defense and state appeals, the lower tribunal has appointed the public defender for the local circuit court, who shall initially remain counsel for the appeal until the record is electronically transmitted to the appellate court. In publicly funded state appeals, defense counsel shall additionally file in the appellate court a copy of the order appointing the local public defender. In non-publicly funded defense and state appeals, retained appellate counsel shall file a notice of appearance in the appellate court, or defense counsel of record shall file a motion to withdraw in the appellate court, with service on the defendant, that states what the defendant's legal representation on appeal, if any, is expected to be. Documents filed in the appellate court shall be served on the attorney general (or state attorney in appeals to the circuit court).

(2) [No Change]

(e) [No Change]

(f) Record.

(1) Service. [No Change]

(2) Transcripts.

(A) – (B) [No Change]

(C) Except as permitted in subdivision (f)(2)(D) of this rule, the parties shall designate the approved court reporter or approved transcriptionist to file with the clerk of the lower tribunal the ~~original~~ transcripts for the court and sufficient paper copies for ~~the state and all indigent defendants~~ all parties exempt from service by electronic mail as set forth in the Florida Rules of Judicial Administration.

(D) Non-indigent defendants represented by counsel may designate the approved court reporter or approved transcriptionist to prepare ~~only original~~the transcripts. Counsel adopting this procedure shall, within 5 days of receipt of the ~~original~~ transcripts from the approved court reporter or approved transcriptionist, file the ~~original~~ transcripts ~~along with securely bound copies for the state and all defendants~~. Counsel shall serve notice of the use of this procedure on the attorney general (or the state attorney in appeals to circuit court) and the clerk of the lower tribunal. Counsel shall attach a certificate to each ~~copy~~transcript certifying that it is ~~an~~ accurate and complete ~~copy of the original transcript~~. When this procedure is used, the clerk of the lower tribunal upon conclusion of the appeal shall retain the ~~original~~ transcript(s) for use as needed by the state in any collateral proceedings and shall not ~~destroy~~dispose of the transcripts without the consent of the Office of the Attorney General.

(E) In state appeals, the state shall designate the approved court reporter or approved transcriptionist to prepare and file with the clerk of the lower tribunal the ~~original~~ transcripts and sufficient copies for all ~~separately represented defendants~~parties exempt from service by electronic mail as set forth in the Florida Rules of Judicial Administration. Alternatively, the state may elect to use the procedure specified in subdivision (f)(2)(D) of this rule.

(F) The lower tribunal may by administrative order in publicly-funded cases direct the clerk of the lower tribunal rather than the approved court reporter or approved transcriptionist to prepare the necessary ~~copies of the original~~ transcripts.

(3) Retention of Documents. Unless otherwise ordered by the court, the clerk of the lower tribunal shall retain ~~all~~any original documents~~ except the original transcripts designated for appeal which shall be included in the record transmitted to the court~~.

(4) – (5) [No Change]

(6) Supplemental Record for Motion to Correct Sentencing Error Pursuant to Florida Rule of Criminal Procedure 3.800(b)(2).

(A) The clerk of circuit court shall automatically supplement the appellate record with any motion pursuant to Florida Rule of Criminal Procedure 3.800(b)(2), any response, any resulting order, and any amended sentence. The clerk shall electronically transmit the supplement to the appellate court within 5 days of the filing of the order ruling on the motion. If an order is not filed within 60 days from the filing of the motion, this time shall run from the expiration of the 60 day period, and the clerk shall supplement the record with the motion and a statement that no order was timely filed.

(B) [No Change]

(g) – (i) [No Change]

Committee Notes

[No Change]

Court Commentary

[No Change]

RULE 9.141. REVIEW PROCEEDINGS IN COLLATERAL OR POST-CONVICTION CRIMINAL CASES; BELATED APPEALS; BELATED DISCRETIONARY REVIEW; INEFFECTIVE ASSISTANCE OF APPELLATE COUNSEL

(a) [No Change]

(b) Appeals from Post-Conviction Proceedings Under Florida Rule of Criminal Procedure 3.800(a), 3.850, or 3.853.

(1) [No Change]

(2) Summary Grant or Denial of Motion Without Evidentiary Hearing.

(A) When a motion for post-conviction relief under rule 3.800(a), 3.850, or 3.853 is granted or denied without an evidentiary hearing, the clerk of the lower tribunal shall electronically transmit to the court, as the record, ~~copies of~~ the motion, response, reply, order on the motion, motion for rehearing, response, reply, order on the motion for rehearing, and attachments to any of the foregoing, together with the certified copy of the notice of appeal.

(B) – (D) [No Change]

(3) Grant or Denial of Motion after Evidentiary Hearing.

(A) [No Change]

(B) Record.

(i) When a motion for post-conviction relief under rule 3.850 or 3.853 is granted or denied after an evidentiary hearing, the clerk of the lower tribunal shall index, paginate, and electronically transmit to the court as the record, within 50 days of the filing of the notice of appeal, ~~copies of~~ the notice of appeal, motion, response, reply, order on the motion, motion for rehearing, response, reply, order on the motion for rehearing, and attachments to any of the foregoing, as well as the ~~original~~ transcript of the evidentiary hearing.

(ii) – (iii) [No Change]

(C) [No Change]

(c) [No Change]

Committee Notes

[No Change]

RULE 9.142. PROCEDURES FOR REVIEW IN DEATH PENALTY CASES

(a) Procedure in Death Penalty Appeals.

(1) Record.

(A) [No Change]

(B) The complete record in a death penalty appeal shall include all items required by rule 9.200 and by any order issued by the supreme court. In any appeal following the initial direct appeal, the record that is electronically transmitted shall begin with the most recent mandate issued by the supreme court, or the most recent filing not already electronically transmitted in a prior record in the event the preceding appeal was disposed of without a mandate, and shall exclude any materials already transmitted to the supreme court as the record in any prior appeal.

(C) [No Change]

(2) Briefs; Transcripts. After the record is filed, the clerk will promptly establish a briefing schedule allowing the defendant 60 days from the date the record is filed, the state 45 days from the date the defendant's brief is served, and the defendant 30 days from the date the state's brief is served to serve their respective briefs. On appeals from orders ruling on applications for relief under Florida Rule of Criminal Procedure 3.851 or 3.853, and on resentencing matters, the schedules set forth in rule 9.140(g) will control. ~~In addition to filing paper copies of transcripts, the court reporter shall file with the clerk of the lower tribunal, on clearly labeled computer disks in a format approved by the supreme court, sufficient copies of these transcripts for the clerk of the lower tribunal to include the disks in the record transmitted to the court and to the parties.~~

(3) – (6) [No Change]

(b) [No Change]

(c) Review of Dismissal of Postconviction Proceedings and Discharge of Counsel in Florida Rule of Criminal Procedure 3.851(i) Cases.

(1) [No Change]

(2) Procedure Following Rendition of Order of Dismissal and Discharge.

(A) Notice to Court. Within 10 days of the rendition of an order granting a prisoner's motion to discharge counsel and dismiss the motion for postconviction relief, discharged counsel shall file with the clerk of the circuit court ~~2 copies of~~ a notice seeking review in the supreme court.

(B) [No Change]

(C) Record. Within 30 days of the granting of a motion to dismiss and discharge counsel, the clerk of the circuit court shall ~~forward~~electronically transmit a copy of the motion, order, and transcripts of all hearings held on the motion to the clerk of the supreme court.

(D) [No Change]

(d) [No Change]

Committee Notes

[No Change]

RULE 9.145. APPEAL PROCEEDINGS IN JUVENILE DELINQUENCY CASES

(a) – (d) [No Change]

(e) Confidentiality. All documents that are filed in paper~~s~~ format under seal shall remain sealed in the office of the clerk of court when not in use by the court, and shall not be open to inspection except by the parties and their counsel, or as otherwise ordered.

Committee Notes

[No Change]

RULE 9.146. APPEAL PROCEEDINGS IN JUVENILE DEPENDENCY AND TERMINATION OF PARENTAL RIGHTS CASES AND CASES INVOLVING FAMILIES AND CHILDREN IN NEED OF SERVICES

(a) – (e) [No Change]

(f) Confidentiality. All documents that are filed in paper~~s~~ format under seal shall remain sealed in the office of the clerk of the court when not in use by the court, and shall not be open to inspection except by the parties and their counsel, or as otherwise ordered.

(g) Special Procedures and Time Limitations Applicable to Appeals of Final Orders in Dependency or Termination of Parental Rights Proceedings.

(1) [No Change]

(2) The Record.

(A) [No Change]

(B) Transcripts of Proceedings. The appellant shall file a designation to the court reporter, including the name(s) of the individual court reporter(s), if applicable, with the notice of appeal. The designation shall be served on the court reporter on the date of filing and shall state that appeal is from a final order of termination of parental rights or of dependency, and that the court reporter shall provide the transcript(s) designated within 20 days of the date of service. Within 20 days of the date of service of the designation, the court reporter shall transcribe and file with the clerk of the lower tribunal the ~~original~~ transcripts and sufficient copies for ~~the Department of Children and Family Services, the guardian ad litem, and all indigent parties~~all parties exempt from service by electronic mail as set forth in the Florida Rules of Judicial Administration. If extraordinary reasons prevent the reporter from preparing the transcript(s) within the 20 days, the reporter shall request an extension of time, shall state the number of additional days requested, and shall state the extraordinary reasons that would justify the extension.

(C) Directions to the Clerk, Duties of the Clerk, Preparation and Transmittal of the Record. The appellant shall file directions to the clerk

with the notice of appeal. The clerk shall electronically transmit the record to the court within 5 days of the date the court reporter files the transcript(s) or, if a designation to the court reporter has not been filed, within 5 days of the filing of the notice of appeal. When the record is electronically transmitted to the court, the clerk shall simultaneously ~~serve copies of~~electronically transmit the record to the Department of Children and Family Services, the guardian ad litem, ~~the indigent parties or~~ counsel appointed to represent any indigent parties, and shall simultaneously serve copies of the index to all non-indigent parties, and, upon their request, copies of the record or portions thereof ~~at the cost prescribed by law~~. The clerk shall provide the record in paper form to all parties exempt from service by electronic mail as set forth in the Florida Rules of Judicial Administration.

(3) – (7) [No Change]

(h) [No Change]

Committee Notes

[No Change]

RULE 9.160. DISCRETIONARY PROCEEDINGS TO REVIEW DECISIONS OF COUNTY COURTS

(a) [No Change]

(b) Commencement. Any appeal of an order certified by the county court to be of great public importance must be taken to the district court of appeal. Jurisdiction of the district court of appeal under this rule shall be invoked by filing ~~2 copies of~~ a notice and ~~a copy of~~ the order containing certification, accompanied by the filing fees prescribed by law, with the clerk of the lower tribunal. The time for filing the appeal shall be the same as if the appeal were being taken to the circuit court.

(c) – (j) [No Change]

Committee Notes

[No Change]

RULE 9.180. APPEAL PROCEEDINGS TO REVIEW WORKERS' COMPENSATION CASES

(a) [No Change]

(b) Jurisdiction.

(1) – (2) [No Change]

(3) Commencement. Jurisdiction of the court shall be invoked by filing ~~two copies of~~ a notice of appeal with the lower tribunal, accompanied by the filing fee prescribed by law unless a verified petition for relief from payment of the fee has been filed with the lower tribunal within 30 days of the date the order to be reviewed is mailed by the lower tribunal to the parties, which date shall be the date of rendition.

(4) [No Change]

(c) – (i)

Committee Notes

[No Change]

RULE 9.200. THE RECORD

(a) Contents.

(1) – (4) [No Change]

(5) Where any court record, as defined in Rule 2.420(b)(1)(A), Florida Rules of Judicial Administration, of proceedings in the lower tribunal has been made or maintained in one of the following electronic formats: fully searchable indexed PDF; fully searchable non-indexed PDF; or, PDF, but not searchable

(A) the record, as defined in subdivision (a)(1) through (a)(3), shall be comprised of the electronic form of those items described in subdivision (a)(1) that were created or maintained in the aforementioned electronic formats; or

(B) where the parties elect to prepare a stipulated statement in accordance with subdivision (a)(4), the stipulated statement and its attachment shall be filed electronically in one of the aforementioned electronic formats.

(b) Transcript(s) of Proceedings.

(1) Within 10 days of filing the notice, the appellant shall designate those portions of the proceedings not on file deemed necessary for transcription and inclusion in the record. Within 20 days of filing the notice, an appellee may designate additional portions of the proceedings. Copies of designations shall be served on the approved court reporter, civil court reporter, or approved transcriptionist. Costs of the ~~original and all copies of the~~ transcript(s) so designated shall be borne initially by the designating party, subject to appropriate taxation of costs as prescribed by rule 9.400. At the time of the designation, unless other satisfactory arrangements have been made, the designating party must make a deposit of 1/2 of the estimated transcript costs, and must pay the full balance of the fee on delivery of the completed transcript(s).

(2) Within 30 days of service of a designation, or within the additional time provided for under subdivision (b)(3) of this rule, the approved court reporter, civil court reporter, or approved transcriptionist shall transcribe and file with the clerk of the lower tribunal the designated proceedings and shall serve copies as requested in the designation. ~~In addition to the paper copies, the approved court reporter, civil court reporter, or approved transcriptionist shall file with the clerk of the lower tribunal and serve on the designated parties an electronic copy of the designated proceedings in a format approved by the supreme court.~~ If a designating party directs the approved court reporter, civil court reporter, or approved transcriptionist to furnish the transcript(s) to fewer than all parties, that designating party shall serve a copy of the designated transcript(s)~~, in both electronic and paper form,~~ on the parties within 5 days of receipt from the approved court reporter, civil court reporter, or approved transcriptionist. The transcript of the trial shall be ~~securely bound~~organized in consecutively numbered volumes not to exceed 200 pages each, and each page shall be numbered consecutively. Each volume shall be prefaced by an index containing the names of the witnesses, a list of all exhibits offered and introduced in evidence, and the pages where each may be found.

(3) On service of a designation, the approved court reporter, civil court reporter, or approved transcriptionist shall acknowledge at the foot of the designation the fact that it has been received and the date on which the approved court reporter, civil court reporter, or approved transcriptionist expects to have the

transcript(s) completed and shall ~~transmit~~serve the so-endorsed designation~~, so endorsed, to~~ on the parties and ~~to~~file it with the clerk of the appellate court within 5 days of service. If the transcript(s) cannot be completed within 30 days of service of the designation, the approved court reporter, civil court reporter, or approved transcriptionist shall request such additional time as is reasonably necessary and shall state the reasons therefor. If the approved court reporter, civil court reporter, or approved transcriptionist requests an extension of time, the court shall allow the parties 5 days in which to object or agree. The appellate court shall approve the request or take other appropriate action and shall notify the reporter and the parties of the due date of the transcript(s).

(4) If no report of the proceedings was made, or if the transcript is unavailable, the appellant may prepare a statement of the evidence or proceedings from the best available means, including the appellant's recollection. The statement shall be served on the appellee, who may serve objections or proposed amendments to it within 10 days of service. Thereafter, the statement and any objections or proposed amendments shall be ~~submitted to~~filed with the lower tribunal for settlement and approval. As settled and approved, the statement shall be included by the clerk of the lower tribunal in the record.

(c) [No Change]

(d) Duties of Clerk; Preparation and Transmittal of Record.

(1) The clerk of the lower tribunal shall prepare the record as follows:

(A) [No Change]

(B) The remainder of the record, including all supplements and any transcripts other than the transcript of the trial, shall be consecutively numbered. The record shall be ~~securely bound~~organized in consecutively numbered volumes not to exceed 200 pages each. The cover sheet of each volume shall contain the name of the lower tribunal and the style and number of the case. Any volume of the record that is prepared in paper format shall be securely bound.

(C) The record, or portions of the record, prepared in accordance with subdivision (a)(5) shall be organized, numbered, and formatted in accordance with subdivision (d)(1)(A)–(d)(1)(B), except that each such volume shall be prepared in electronic format as a PDF file having the indexing and searching characteristics of the electronic items comprising that volume of the

record. The index and progress docket shall also be included as a separate indexed, fully searchable PDF file.

(2) [No Change]

(3) The clerk of the lower tribunal shall certify and transmit the record to the court as prescribed by these rules~~; provided that if the parties stipulate or the lower tribunal orders that the original record be retained, the clerk shall prepare and transmit a certified copy~~.

(e) – (g) [No Change]

Committee Notes

[No Change]

RULE 9.210. BRIEFS

(a) Generally. In addition to briefs on jurisdiction under rule 9.120(d), the only briefs permitted to be filed by the parties in any one proceeding are the initial brief, the answer brief, a reply brief, and a cross-reply brief. All briefs required by these rules shall be prepared as follows:

(1) When not filed in electronic format, b~~B~~riefs shall be printed, typewritten, or duplicated on opaque, white, unglossed ~~8½-by-11 inch~~ paper. The dimensions of each page of a brief, regardless of format, shall be 8 ½ inches by 11 inches.

(2) The lettering in briefs shall be black and in distinct type, double-spaced, with margins no less than 1 inch. Lettering in script or type made in imitation of handwriting shall not be permitted. Footnotes and quotations may be single spaced and shall be in the same size type, with the same spacing between characters, as the text. Computer-generated briefs shall be ~~submitted~~filed in either Times New Roman 14-point font or Courier New 12-point font. All computer-generated briefs shall contain a certificate of compliance signed by counsel, or the party if unrepresented, certifying that the brief complies with the font requirements of this rule. The certificate of compliance shall be contained in the brief immediately following the certificate of service.

(3) Paper copies of b~~B~~riefs shall be securely bound in book form and fastened along the left side in a manner that will allow them to lie flat when opened or be securely stapled in the upper left corner. Headings and subheadings shall be at least as large as the brief text and may be single spaced.

(4) – (5) [No Change]

(b) – (f) [No Change]

~~**(g) Filing with Courts.** The filing requirements of the courts are as follows:~~

~~**(1) Circuit Courts.** Original and 1 copy.~~

~~**(2) District Courts of Appeal.** Original and 3 copies.~~

~~**(3) Supreme Court.** Original and 7 copies; except that 5 copies only shall accompany the original jurisdictional briefs prescribed in rule 9.120(d).~~

(~~h~~g) Citations. Counsel are requested to use the uniform citation system prescribed by rule 9.800.

Committee Notes

[No Change]

Court Commentary

[No Change]

RULE 9.220. APPENDIX

(a) [No Change]

(b) Contents. The appendix shall contain an index and a conformed copy of the opinion or order to be reviewed and may contain any other portions of the record and other authorities. ~~It shall be separately bound or separated from the petition, brief, motion, response, or reply by a divider and appropriate tab.~~ Asterisks should be used to indicate omissions in documents or testimony of witnesses.

(c) Format. Unless otherwise authorized by court order or court rule, the appendix shall be prepared and filed electronically with the clerk as an independent PDF file or series of independent PDF files. When a paper appendix is authorized, it shall be separately bound or separated from the petition, brief, motion, response, or reply by a divider and appropriate tab, and the following additional requirements shall apply: (1) i~~I~~f the appendix includes documents filed before January 1991 on paper measuring 8 ½ by 14 inches, the documents should be reduced in copying to 8 ½ by 11 inches, if practicable~~.~~; and (2) i~~I~~f reduction is impracticable, the appendix may measure 8 ½ by 14 inches, but it should be bound separately from the document that it accompanies.

Committee Notes

[No Change]

RULE 9.360. PARTIES

(a) Joinder. A party to the cause in the lower tribunal who desires to join in a proceeding as a petitioner or appellant shall serve a notice to that effect no later than the latest of the following: (i) within 10 days of service of a timely filed petition or notice of appeal; (ii) within the time prescribed for filing a notice of appeal; or (iii) within the time prescribed in rule 9.100(c). The ~~original and 1 copy of the~~ notice of joinder, accompanied by any filing fees prescribed by law, shall be filed either before service or immediately thereafter in the same manner as the petition or notice of appeal.

(b) – (c) [No Change]

Committee Notes

[No Change]

RULE 9.500. ADVISORY OPINIONS TO GOVERNOR

(a) Filing. A request by the governor for an advisory opinion from the justices of the supreme court on a question affecting gubernatorial powers and duties shall be in writing. The ~~original and 7 copies~~request shall be filed with the clerk of the supreme court.

(b) [No Change]

Committee Notes

[No Change]

RULE 9.510. ADVISORY OPINIONS TO ATTORNEY GENERAL

(a) Filing. A request by the attorney general for an advisory opinion from the justices of the supreme court concerning the validity of an initiative petition for the amendment of the Florida Constitution shall be in writing. The ~~original and 7 copies~~request shall be filed with the clerk of the supreme court.

(b)- (c) [No Change]

Committee Notes

[No Change]

RULE 9.900. FORMS

(a) – (g) [No Change]

(h) Designation to Approved Court Reporter, Civil Court Reporter, or Approved Transcriptionist.

		IN THE .....(NAME OF LOWER TRIBUNAL WHOSE ORDER IS TO BE REVIEWED).....
		Case No. _____
_____,	)	
Plaintiff/Appellant,	)	
	)	DESIGNATION TO APPROVED
	)	COURT REPORTER, CIVIL
v.	)	COURT REPORTER, OR
	)	APPROVED TRANSCRIPTIONIST,
	)	AND REPORTER'S OR
	)	APPROVED TRANSCRIPTIONIST'S
	)	ACKNOWLEDGMENT
_____,	)	
Defendant/Appellee.	)	
_____	)	

I. DESIGNATION

Plaintiff/Appellant, _____, files this Designation to Approved Court Reporter, Civil Court Reporter, or Approved Transcriptionist and directs .....(name of approved court reporter, civil court reporter, or approved transcriptionist)..... to transcribe ~~an original and _____ copies of~~ the following portions of the trial proceedings to be used in this appeal [for cases where a party is exempt from service by electronic mail as set forth in the Florida Rules of Judicial Administration, state the following: and to provide paper copies of the transcript(s)]:

1. The entire trial proceedings recorded by the reporter on .....(date)....., before the Honorable .....(judge)....., except _____ _____.

2. [Indicate all other portions of reported proceedings.]

3. The approved court reporter, civil court reporter, or approved transcriptionist is directed to file the original with the clerk of the lower tribunal and to serve one copy on each of the following:

1.

2.

3.

I, counsel for Appellant, certify that satisfactory financial arrangements have been made with the approved court reporter, civil court reporter, or approved transcriptionist for preparation of the transcript.

_____
Attorney for .....(name of party).....
.....(address and phone number).....
Florida Bar No. .....

II. APPROVED COURT REPORTER'S, CIVIL COURT REPORTER'S, OR APPROVED TRANSCRIPTIONIST'S ACKNOWLEDGMENT

1. The foregoing designation was served on .....(date)....., and received on .....(date).....

2. Satisfactory arrangements have ( ) have not ( ) been made for payment of the transcript cost. These financial arrangements were completed on .....(date).....

3. Number of trial or hearing days ____.

4. Estimated number of transcript pages ____.

5a. The transcript will be available within 30 days of service of the foregoing designation and will be filed on or before .....(date).....

OR

5b. For the following reason(s) the approved court reporter, civil court reporter, or approved transcriptionist requests an extension of time of ____ days for preparation of the transcript that will be filed on or before .....(date).....

6. Completion and filing of this acknowledgment by the approved court reporter, civil court reporter, or approved transcriptionist constitutes submission to the jurisdiction of the court for all purposes in connection with these appellate proceedings.

7. The undersigned approved court reporter, civil court reporter, or approved transcriptionist certifies that the foregoing is true and correct and that a copy has been furnished by mail ( ) hand delivery ( ) on .....(date)....., to each of the parties or their counsel.

_____

Approved Court Reporter, Civil Court Reporter, or Approved Transcriptionist
.....(address).....

Note: The foregoing approved court reporter's, civil court reporter's, or approved transcriptionist's acknowledgment to be placed "at the foot of" or attached to a copy of the designation, shall be properly completed, signed by the approved court reporter, and filed with the clerk of the appellate court within 5 days of service of the designation on the approved court reporter, civil court reporter, or approved transcriptionist. A copy shall be served on all parties or their counsel, who shall have 5 days to object to any requested extension of time. See Fla. R. App. P. 9.200(b)(1), (2), & (3).

(i) [No Change]

Committee Notes

[No Change]

FLORIDA FAMILY LAW RULES OF PROCEDURE

RULE 12.010. SCOPE, PURPOSE, AND TITLE

(a) [No Change]

(b) Purpose.

(1) [No Change]

(2) Nothing shall prohibit any intake personnel in family law divisions from assisting in the preparation of ~~papers~~documents or forms to be filed in any action under these rules.

(c) [No Change]

RULE 12.025. APPLICABILITY OF RULES OF JUDICIAL ADMINISTRATION

(a) Electronic Filing. Florida Rules of Judicial Administration 2.520 and 2.525 are applicable in all family law matters except as otherwise provided in these rules.

(b) Exceptions. Any document filed pursuant to any proceeding under Chapter 63, Florida Statutes, which may be relied upon by the court to terminate parental rights, including consent for adoption or affidavit of nonpaternity, shall be exempt from the requirements of Rule of Judicial Administration 2.525(c).

RULE 12.040. ATTORNEYS

(a) – (b) [No Change]

(c) Scope of Representation.

(1) [No Change Here]

(2) An attorney for the State's Title IV-D child support enforcement agency who appears in a family law matter governed by these rules shall file a notice informing the recipient of Title IV-D services and other parties to the case that the IV-D attorney represents only the Title IV-D agency and not the recipient

of IV-D services. The notice must state that the IV-D attorney may only address issues concerning determination of paternity, and establishment, modification, and enforcement of support obligations. The notice may be incorporated into a pleading, motion, or other ~~paper~~document filed with the court when the attorney first appears.

(d) – (f) [No Change Here]

[NOTE FOR RULE 12.080: Single underlines are amendments pending in Case No. SC10-2101. Double-underlines are changes proposed in Case No. SC11-399 and subject to comment here.]

RULE 12.080. SERVICE OF PLEADINGS AND FILING OF ~~**PAPERS**~~DOCUMENTS

(a) Service.

(1) Family Law Actions Generally. Service of pleadings and ~~papers~~documents after commencement of all family law actions except domestic, repeat, dating, and sexual violence shall be as set forth in Florida Rule of ~~Civil Procedure 1.080~~Judicial Administration 2.516, except that rule ~~1.080~~2.516 shall also apply to service on the party during the attorney's limited appearance as provided in rule 12.040(f) and be expanded as set forth in subdivisions (b) and (c) to include additional requirements for service of recommended orders and for service on defaulted parties.

(2) Domestic, Repeat, Dating, and Sexual Violence Actions. Service of pleadings and ~~papers~~documents regarding domestic, repeat, dating, and sexual violence actions shall be governed by Florida Family Law Rule of Procedure 12.610, where it is in conflict with this rule.

(b) Service and Preparation of Orders and Judgments. A copy of all orders or judgments involving family law matters except domestic, repeat, dating, and sexual violence shall be transmitted by the court or under its direction to all parties at the time of entry of the order or judgment. The court may require that recommended orders, orders, or judgments be prepared by a party. If the court requires that a party prepare the recommended order, order, or judgment, the party shall furnish the court with stamped, addressed envelopes to all parties for service of the recommended order, order, or judgment. The court may also require that any proposed recommended order, order, or judgment that is prepared by a party be

furnished to all parties no less than 24 hours before submission to the court of the recommended order, order, or judgment.

(c) Defaulted Parties. No service need be made on parties against whom a default has been entered, except that:

(1) [No Change]

(2) Notice of final hearings or trials and court orders shall be served on defaulted parties in the manner provided for service of pleadings and ~~papers~~documents contained in Florida Rule of ~~Civil Procedure 1.080~~Judicial Administration 2.516.

(3) [No Change Here]

Commentary

[No Change Here]

RULE 12.200. CASE MANAGEMENT AND PRETRIAL CONFERENCES

(a) Case Management Conference.

(1) Family Law Proceedings, Generally. A case management conference may be ordered by the court at any time on the court's initiative. A party may request a case management conference 30 days after service of a petition or complaint. At such a conference the court may:

(A) schedule or reschedule the service of motions, pleadings, and other ~~papers~~documents;

(B) – (O) [No Change]

(2) [No Change]

(b) – (d) [No Change]

Commentary

[No Change]

Committee Note

[No Change]