

JOINT OUT-OF-CYCLE RULES OF COURT AMENDMENTS

The Rules of Judicial Administration Committee and the Criminal Procedure Rules Committee invite comments on the proposed rule amendments anticipated to be included in a Joint Out-of-Cycle Report. Click here for the full text of the proposals. Interested persons have until August 31, 2019, to submit any comments, electronically, to Judge Josephine Gagliardi, Incoming Chair of the Rules of Judicial Administration Committee, at jgagliardi@ca.cjis20.org, Jane Allie McNeill, Incoming Chair of the Criminal Procedure Rules Committee, at jmcneill@pd10.org, and to Bar attorney liaisons, Krys Godwin, at kgodwin@floridabar.org and Heather Telfer, at htelfer@floridabar.org.

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Rule Number	Vote	Explanation
<u>Rule 2.345 (Electronic Signature of Court Official)</u>	39-0-0	This new rule defines the manner in which a court official may perform an electronic signature.
<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 “midnight” for “11:59:59 p.m., eastern time.” 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

	<p>must be signed by the attorney, self-represented litigant, or other authorized person. If a document is not signed, it may be stricken by the court.</p> <p>Subdivision (b) is retitled “Acts Constituting a 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>Subdivision (c) is rewritten and divided into four newly titled subdivisions. Subdivision (c)(1) is titled “Electronic Document” and lists three manners in which a document may be filed electronically. Subdivision (c)(2) is titled “Paper Document” and lists two manners in which a paper document may be filed. Subdivision (c)(3) is titled “Signature Block” and details the requirements within a signature block for either electronic or paper documents. Subdivision (c)(4) is titled “Lack of Electronic Signature” and details that a person who is named within a signature block, but who does not include a signature, is not a signer of the document.</p> <p>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</p>
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		<p>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 “Documents Served but Not Filed”, clarify that the representations affirmed by filers in filed documents also apply to served, but not filed, documents.</p>
<p>Rule 2.516 (Service of Pleadings and Documents)</p>	<p>32-3-0</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>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</p>

	<p>referral in reaction to <i>Wheaton v. Wheaton.</i>) Subdivision (b)(3) explains service if the document is too large. Subdivision (b)(4) explains the requirement of complying with the Standards for Electronic Access to the Court.</p> <p>Subdivision (c) is retitled “Service of Paper Documents” and details the when paper service is necessary: pro se party who chooses not to participate in Portal service. Paper service is ineffective for attorneys or parties who have agreed to participate in e-service. Also specifies that not all parties need receive service in the same manner.</p> <p>Subdivision (d) is retitled “Documents Issued by Judges, Clerk, or Other Court Officials” and details the manner of service for: paper copies of orders, notices or other documents issued by a judge, clerk, or other court official; paper copies of final judgments; or an order setting the action for trial or final judgment when a default has been entered against a party. Subdivision (d)(4) specifies that failure to comply with subdivision (d) does not affect the validity of an order or judgment.</p> <p>Subdivision (e) is retitled “Service on Judge or Other Court Official” and is rewritten to clarify that service on a judge or court official is not permitted unless required by law and, if permitted, service must be performed electronically in compliance with subdivision (b) and the Standards.</p>
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		<p>Current subdivisions (f), (g), and (h) are deleted.</p> <p>Committee Note is added.</p>
Rule 2.520 (Documents)	35-1-0	<p>The proposed amendment is a complete rewrite of this rule, however, the rule name is the same.</p> <p>Subdivision (a) is retitled “Documents Prepared for Filing” and rewritten to itemize the specifications of filed documents generated by attorneys or represented parties.</p> <p>Subdivision (b) is retitled “Electronic Documents” and rewritten to detail the requirements for PDF filings.</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 an attorney 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</p>

		<p>Not Required” and rewritten defining that documents need not be sworn unless required by rule or statute.</p> <p>Current subdivision (f) (Noncompliance) is deleted.</p> <p>Committee Note is added.</p>
<p>Rule 2.525 (Electronic Filing)</p>	<p>31-1-0</p>	<p>The proposed amendment is a complete rewrite of this rule. The title is amended by deleting “Electronic.”</p> <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 attorneys 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 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. 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>Current subdivision (g) is stricken.</p> <p>Committee note is added.</p>
Rule 3.030 (Service and Filing of Pleadings, Papers, and Documents)	26-0-0	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

		<p>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>
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