

RULE 5.1 | FILING AND COPIES

(a) Form of Conventionally Filed Documents. All civil and criminal pleadings, motions, and other papers exempted from the requirement that they be filed via CM/ECF and that are instead tendered for conventional (non-CM/ECF) filing shall:

(1) Be bound only by easily-removable paper or spring-type binder clips, and not stapled or mechanically bound or fastened in any way. Voluminous pleadings, motions, or documents may be bound with a rubber band. Attachments may not be tabbed; reference characters should be printed or typed on a blank sheet of paper separating each attached document.

(2) When filing a civil complaint for which issuance of initial process is requested, one (1) copy of the complaint must be submitted for each summons.

(3) Be on standard size 8-1/2"x 11" white, opaque paper.

(4) Be plainly typed or written on one (1) side with 1" margins on top, bottom, and each side. All typewritten documents, except for quoted material of fifty words or more and footnotes, both of which may be single-spaced, shall have not less than one and one-half (1 1/2) spaces between lines. Fonts for typewritten documents, including footnotes and quotations, must be no smaller than twelve (12) point. All typewritten documents must be paginated properly and consecutively at the bottom center of each page. Only one (1) side of the paper may be used.

(5) Include a caption with:

(A) The name of the Court centered across the page;

(B) The docket number, category (civil or criminal), and the last names of the assigned District Judge and Magistrate Judge, centered across the page;

(C) The style of the action, which fills no more than the left side of the page, leaving sufficient space on the right side for the Clerk of the Court to affix a filing stamp; and

(D) The title of the document, including the name and designation of the party (as plaintiff or defendant or the like) on whose behalf the document is submitted, centered across the page.

Exception:

The requirements of (a)(3)-(5) do not apply to:

- (i) exhibits submitted for filing;
- (ii) papers filed in removed actions prior to removal from the state courts; and
- (iii) forms provided by the Court.

(6) For each counsel for any party, include: a signature block with the counsel's name, street address, telephone number, e-mail address, and Florida Bar or other applicable bar identification number.

(7) Not be transmitted to the Clerk of the Court or any Judge by facsimile.

(8) Be submitted with sufficient copies to be filed and docketed in each matter if styled in consolidated cases.

(b) Service and Filing of Documents Via CM/ECF. All documents required to be served shall be filed in compliance with the CM/ECF Administrative Procedures; except for: (A) documents exempted under Section 5 of the CM/ECF Administrative Procedures; and (B) documents that are not permitted to be filed at the time of service by rule, statute, or other proscription. Pro se parties are exempted from this requirement pursuant to Section 2C of the CM/ECF Administrative Procedures. Nonetheless, and notwithstanding any certificate of service to the contrary, the date that a submission from a party who is exempt from electronic filing is docketed by the Clerk of Court shall be deemed the date that such submission is served. The requirements of paragraphs (a)(2)(6) above shall apply to documents filed via CM/ECF. See Section 3A of the CM/ECF Administrative Procedures.

(c) Restriction on Courtesy Copies. Counsel shall not deliver extra courtesy copies to a Judge's Chambers except when requested by a Judge's office.



(d) Notices of Filing; Form and Content. The title of a notice of filing shall include (1) the name and designation of the party (as plaintiff or defendant or the like) on whose behalf the filing is submitted, and (2) a description of the document being filed. A notice of filing shall identify by title the pleading, motion or other paper to which the document filed pertains and the purpose of the filing, such as in support of or in opposition to a pending motion or the like.

(e) Consent to Service. Registration as an electronic filing user pursuant to Southern District of Florida CM/ECF Administrative Procedures §3B constitutes consent to receive service electronically pursuant to Fed. R. Civ. P. 5(b)(2)(E) and Fed. R. Crim. P. 49 and waiver of any right to receive service by any other means. Service of papers required to be served pursuant to Fed. R. Civ. P. 5(a) and Fed. R. Crim. P. 39 but not filed, such as discovery requests, may be made via email to the address designated by an attorney for receipt of notices of electronic filings.

(f) Inaccessibility of Clerk's Office. During the time that the Court (or the Courthouse located in a particular division of the Court) is closed pursuant to Administrative Order 2007-44 (In Re: Emergency Closure of Courthouse) or pursuant to separate order, the Clerk's Office for the Court (or the particular division of the Court where the Courthouse is closed) shall be deemed inaccessible for purposes of Fed. R. Civ. 6(a)(3) and Fed. R. Crim. P. 45(a)(3).

Effective December 1, 1994. Amended effective April 15, 1996; April 15, 1998; April 15, 1999; April 15, 2000; April 15, 2001; paragraph E added effective April 15, 2003; April 15, 2007; April 15, 2009; April 15, 2010; April 15, 2011; December 1, 2011; December 1, 2015; December 1, 2016; December 3, 2018; December 2, 2019; December 1, 2020.

Authority

(1993) Former Local Rule 7; Model Rule 5.1; Administrative Order 90-64 (A.6, B).

