

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA**

**ADMINISTRATIVE PROCEDURES FOR
ELECTRONIC FILING**



Effective February 1, 2021

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Introduction

Since July 12, 2004, the United States District Court for the Middle District of Florida (the “Court”) has mandated electronic filing through the Case Management/Electronic Case Files (“CM/ECF”) system. Unless otherwise permitted by these Administrative Procedures, a Court order, or the Local Rules of the Middle District of Florida (“Local Rules”), all documents submitted for filing in civil, criminal, and miscellaneous cases must be filed electronically through CM/ECF. Eligible attorneys and *pro se* litigants authorized by Court order to file electronically are referred to in these Administrative Procedures as “E-filers.”

The Court may modify these Administrative Procedures at any time without prior notice. The Clerk or any judge of this Court may depart from these procedures without prior notice.

A. Definitions

1. **“Case Management/Electronic Filing System”** (CM/ECF) means the court’s automated system that receives paper filed in electronic form. See Local Rule 1.01(d) for the definition of “paper.”
2. **“Electronic Filing”** means a paper uploaded to the court’s CM/ECF system, to file that paper in the court’s case file. Emailing a paper to the Middle District does not constitute an “electronic filing.”
3. **“Notice of Electronic Filing”** (NEF) means the e-mail confirmation of the electronic filing automatically generated from CM/ECF at the time of the entry. The NEF lists the time and date of filing, the name of the party and attorney filing the document, the type of document, the text of the docket entry, the name of the party and/or attorney receiving the notice, and a hyperlink(s) to any filed document.
4. **“Public Access to Court Electronic Records”** (PACER) means the online service that provides electronic public access to federal court records. PACER allows an individual to view, print, and download court docket information and remotely access case records.
5. **“Portable Document Format”** (PDF) means a document format which allows a document to be transmitted electronically without changing the document’s appearance or layout.
6. **“Technical Failure”** means a malfunction of the Court’s hardware, software, and/or telecommunications facility which results in the inability of a filer to submit a document electronically. Technical failure does not include the malfunctioning of a filer’s equipment or internet connection.

B. CM/ECF Eligibility and Registration

1. Chapter Two of the Local Rules governs eligibility and registration with the Middle District’s CM/ECF.
2. To register for a CM/ECF account a lawyer must submit an E-filer Registration Form on the court’s website at www.flmd.uscourts.gov.
3. Approval of the E-filer Registration Form will be emailed to the lawyer at the primary email address registered in CM/ECF.

4. **Pro Se E-Filing Registration.** If authorized by the presiding judge, a *pro se* litigant must register in the same manner as provided in these procedures for a lawyer. *Pro se* litigant access in CM/ECF is restricted to the case in which the *pro se* litigant has approval of the presiding judge.
5. A lawyer failing to maintain membership in the Middle District bar in accordance with Local Rule 2.01(b)(2) is subject to removal as an E-filer.
6. The Middle District does not monitor undeliverable email (i.e., bounce-backs) or delayed mail from a registered user's primary or secondary email accounts. Each E-filer is required to update an email address, monitor email spam filters, and maintain sufficient email storage to prevent undeliverable or untimely delivery of email notifications from the CM/ECF system.

C. Electronic Filing of Paper

1. Electronic Filing Requirements

- a. CM/ECF requires documents to be in PDF format. When possible, it is best to convert a document to PDF directly from the word processing application, in contrast to scanning. An E-filer must verify the readability of a paper before filing electronically.
- b. The use of a hyperlink in a paper is permitted. A hyperlink can link to other portions of the same document or to a website that contains a source document for a citation. Hyperlinks to a cited authority may not replace standard citation form. Neither a hyperlink nor a website to which it refers will be considered part of the record.

2. Notice of Electronic Filing (NEF)

- a. A paper filed in CM/ECF generates a NEF, which is e-mailed to each E-filer of record in the case. A document is deemed filed as of the time and date listed on the NEF.
- b. A document filed electronically can be viewed for the first time for free from the document link within the NEF. The hyperlink expires after the earlier of two events: the first use or fifteen (15) days after the NEF is emailed. An E-filer must access PACER to view a document after the hyperlink has expired.

D. Service of Electronically Filed Documents

1. **A party may not electronically serve a complaint**, but instead must affect service according to Rule 4 of the Federal Rules of Civil Procedure.
2. A party who is not a registered user in CM/ECF is entitled to a paper copy of any electronically filed pleading, document, or order. The filing party must, therefore, provide the non-registered party with the pleading, document, or order according to the Federal Rules of Criminal or Civil Procedure.

E. Special Filing Requirements and Exceptions

1. The following documents **are allowed to be filed in paper form and will, as applicable, be filed in CM/ECF** by the clerk's office:
 - a. All pleadings and documents filed by *pro se* litigants who are not registered users in the CM/ECF system as provided in these procedures;
 - b. Sealed cases and all pleadings filed while the case remains under seal;
 - c. The charging document(s) in a criminal case, such as the complaint, indictment, information, criminal data sheet, Summons, or Warrant;
 - d. Initiating documents in a Miscellaneous case;
 - e. Affidavits for search and arrest warrants and related papers;
 - f. Documents in criminal cases which require the signature of a non-attorney, such as a grand jury foreperson, or a third-party custodian;
2. **Payment of filing fee.** The proper filing fee or "Application to Proceed without Prepayment of Fees and Affidavit" must accompany the initiating case documents. When submitted electronically, appropriate filing fees must be paid through CM/ECF via Pay.gov concurrent with filing the documents in CM/ECF.
3. **Allowable non electronic filing methods.** United States mail, similar means, or delivered in person to the clerk's office.

4. **Litigants without CM/ECF filing access.** Documents may be submitted for electronic filing through the court's website by completing the national emergency webform.
5. **Summons.**
 - a. A proposed summons may be filed electronically with the case initiating documents, filed electronically to the appropriate civil action, or submitted in paper form to the clerk's office for issuance. The party requesting the summons must complete the top portion of the summons form and, if submitting the summons via United States mail, should also submit a self-addressed, stamped return envelope.
 - b. The clerk's office will issue proposed summons received electronically through CM/ECF by affixing an electronic seal and filing the issued summons to CM/ECF. No paper summons will be mailed.
 - c. The clerk's office will manually issue proposed summons received in paper, file to CM/ECF, and return the original paper summons with raised court seal affixed to the requesting party.
6. **Pro Se Litigation.**
 - a. *Pro se* filers, unless authorized to file electronically by the judge assigned as provided in these procedures, will file paper originals of all complaints, pleadings, motions, affidavits, briefs, and other documents.
 - b. The clerk's office will scan these original documents and file to the appropriate case in CM/ECF.
7. Attachments and exhibits larger than fifty (50) megabytes should be filed electronically in separate fifty (50) megabyte segments.

F. Electronic Signatures

1. **Signatures of filing parties.** Every pleading, motion, memorandum of law, or other document must be signed by the *pro se* litigant authorized by the court to file electronically or at least one lawyer of record. A signature must appear on documents filed electronically in one of the following manners:
 - a. *"/s/ [E-filer's first and last name]";*

- b. An electronic image of the E-filer's signature; or
- c. An original signature (when document is scanned).

The submission of a document signed in any manner listed above and filed under that E-filer's login constitutes an original signature under the Federal Rules of Procedure.

2. **Signatures of non-filing lawyers.** The filing lawyer is permitted to file a document that requires the signature of another lawyer (e.g., stipulation), if the filing lawyer obtains approval to electronically sign the document from the non-filing lawyer. The filing lawyer may indicate such approval by one of the following:

a. **Oral approval for electronic signature.**

- i. /s/[non-filing lawyer's first and last name]
- ii. (Signed by filing lawyer with permission of non-filing lawyer)
- iii. Electronic signature or /s/ [filling lawyer's first and last name]

The filing lawyer must maintain a record of when and how permission was obtained to sign the non-filing lawyer's name until all appeals have been exhausted or the time for seeking appellate review has expired.

b. **Approval by signature.**

- i. /s/ [non-filing lawyer's first and last name]*
- ii. (*I certify that I maintain a signed copy of the document bearing the signature of [non-filing lawyer first and last name] in my office.)
- iii. Electronic or /s/ [filling lawyer's first and last name]

The filing lawyer must maintain the signed copy of the document until all appeals have been exhausted or the time for seeking appellate review has expired.

- c. **Scanned signature.** The filing lawyer may obtain an original signature, scan the signature page, and file it as an attachment to the document. The filing lawyer must maintain the signed original until all appeals have been exhausted or the time for seeing appellate review has expired.

3. **Signatures of non-lawyers.** The filing lawyer is permitted to file a document that requires the signature of a non-lawyer or an individual who is not counsel of record (e.g., verified pleading, contracts, and affidavits) in electronic format in any of the following ways, provided the filing lawyer maintains the signed original until all appeals have been exhausted or the time for seeing appellate review has expired:
 - a. An electronic version of a document bearing “/s/ [first and last name]” filed with a statement that the original has been signed.
 - i. /s/Party Name*
 - ii. (*I certify that I have the signed original of this document that is available for inspection during normal business hours by the court or a party to this action.)
 - iii. Electronic Signature or /s/ [filing lawyer first and last name]
 - b. A document bearing “/s/ [first and last name]” may be filed with a scanned copy of the signature page as an attachment.
 - c. If a document containing original signatures is not digitally available, it may be scanned and filed electronically.
4. Signatures of judges and court officials. The submission of a document that is signed (i) with “/s/ [judge or court official first and last name]” or an electronic image of a judge’s or court official’s traditional signature, and (ii) filed using the judge’s or court official’s login constitutes an original signature for all purposes.

G. Redaction

1. **Responsibility for redaction.** It is the responsibility of every lawyer and *pro se* litigant to redact personal identifiers before filing pleadings, motions, memoranda, exhibits, and other documents with the court. The clerk’s office will not review documents for compliance with this rule, seal on its own motion documents containing personal identifiers, or redact documents, whether filed electronically or in paper form. The filing party is responsible for verifying that appropriate and effective methods of redaction have been used.

2. **Redaction rules.** To comply with the policy of the Judicial Conference of the United States and the E-Government Act of 2002, Pub. L. No. 107-347, along with Fed. R. Civ. P. 5.2 and Fed. R. Crim. P. 49.1, **filing parties must omit** or, where inclusion is necessary, partially redact the following personal data identifiers from all pleadings, documents, and exhibits, filed with the court, whether **electronically or in paper form**.
 - a. **Minor's name:** Use the minor's initials;
 - b. **Financial account numbers:** Identify the name or type of account and the financial institution where maintained, but use only the last four numbers of the account number;
 - c. **Social Security numbers:** Use only the last four digits;
 - d. **Taxpayer Identification numbers:** Use only the last four digits;
 - e. **Dates of birth:** Use only the year;
 - f. **Home address:** Use only city and state (criminal cases only).
3. **Exemptions from the redaction rules.** The above redaction rules do not apply to:
 - a. A financial account number or a real property address that identifies the property alleged to be subject to forfeiture in a forfeiture proceeding;
 - b. A record of an administrative or agency proceeding;
 - c. An official record of a state court proceeding;
 - d. The record of a court or tribunal, if that record was not subject to redaction when originally filed;
 - e. A filing exempted under Federal Rules of Procedure;
 - f. A *pro se* litigant filing an action brought under 28 U.S.C. §§ 2241, 2254, or 2255;
 - g. An arrest or search warrant; and
 - h. A charging document and an affidavit filed in support of any charging documents.

H. Documents to be Filed Under Seal

Pursuant to Local Rule 1.11, upon authorization by statute, rule, or order, litigants must submit sealed pleadings to the clerk's office in paper format.

I. Public Access

1. Public access to the docket and unsealed documents filed in CM/ECF is available for viewing at the clerk's office during regular business hours. A fee is required in accordance with 28 U.S.C. § 1914 for any copies of documents requested from the clerk's office.
2. Remote access to CM/ECF for viewing purposes is limited to subscribers of PACER.
3. Paper copies and certified copies of an electronically filed document may be purchased at the clerk's office. The fee for copying and certifying will be in accordance with 28 U.S.C. § 1914.

J. Retention

Paper records will be maintained and disposed of in accordance with the policies of the Administrative Office of the United States and this court's administrative order.

K. Fees Payable to the Clerk

Any fee payable to the clerk must be paid by a certified bank check, cashier's check, money order, cash, or electronically via Pay.gov. Personal checks are not accepted. Law firms may remit payments using business checks.

L. Correcting Errors

1. Once a document is filed in CM/ECF, only the clerk may change or correct the document or docket entry.
 - a. If an E-filer discovers an error after completing the electronic process, the E-filer should immediately contact the appropriate divisional clerk's office with the case number and document number of the erroneous filing.

- b. If the clerk discovers an error with a document filed, the clerk may (i) alert the E-filer of the error and, if necessary, the manner in which to proceed (e.g., refile a document with a new document number or file a motion to strike); and (ii) note the error and any instructions provided to the E-filer in the docket entry.
 - c. An E-filer notified by the clerk to correct an error is responsible for doing so immediately.
 2. If after filing, an E-filer determines a document or exhibit should have been filed under seal, that E-filer must comply with Local Rules and obtain a court order to seal the document or exhibit. Absent a court order, the document will not be sealed.

M. Technical Failure

1. If an E-filer experiences a technical failure with, for example telephone lines, internet service provider, or other hardware and software problems, the E-filer is responsible for filing the document in paper format.
2. If a technical failure with CM/ECF results in an untimely filing, the E-filer may move for appropriate relief. CM/ECF is available twenty-four hours per day, seven days per week, except during scheduled maintenance or power outages. Schedule maintenance and power outages will be posted on the court's website. The clerk will maintain a log of all periods of technical failure.