



**LOCAL RULES OF COURT
FROM THE US DISTRICT COURT, FLORIDA, MIDDLE DISTRICT
[CHAPTER ONE]**

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CHAPTER ONE | LOCAL RULES OF COURT | USFLMD

RULES: 1.01 through 1.11

TITLE: ADMINISTRATION



Rule 1.01 | PURPOSE, SCOPE, AND DEFINITIONS

(a) PURPOSE. These rules advance efficiency, consistency, convenience, and other interests of justice.

(b) SUSPENDING THE APPLICATION OF A RULE. If reasonably necessary to achieve the purpose of these rules, a judge can modify or suspend for all or part of an action the application of any rule, except Rule 1.05(a).

(c) ELECTRONIC FILING. By administrative order, the court can prescribe procedures governing electronic filing.

(d) DEFINITIONS.

(1) "Action" means, collectively, the claims a party asserts in a pleading.

(2) "Bar" means the bar of the Middle District.

(3) "Case" means the content of the docket in an action (for example, if remand occurs, the action returns to state court, but the case remains in federal court).

(4) "Claim" or "claim for relief" means the basis for relief a party asserts in a count of a pleading and is similar to the state court term "cause of action."

(5) "Clerk" means the Clerk of the Court for the Middle District or the clerk's designee.

(6) "Court" means the judges of the Middle District collectively.

(7) "Judge" means a presiding judge.

(8) "Lawyer" means a member of the Middle District bar or a lawyer specially admitted in the Middle District.

(9) "Lead counsel" means the lawyer responsible to the court and the other parties for the conduct of the action, including scheduling.

(10) "Legal memorandum" means a paper – including a legal brief – that cites legal authority or otherwise advances a statement of law to support a request for relief.

(11) "Middle District" means the United States District Court for the Middle District of Florida.



(12) "Paper" means a pleading, motion, document, exhibit, attachment, appendix, photograph, or other filing susceptible to appearance on the electronic docket and not a tangible object.

(13) "Person" means a natural person or an entity the law recognizes as a person.

(14) "Pleading" means a paper identified as a pleading and permitted under the Federal Rules of Civil Procedure.

(15) "Pro se" means not represented by a lawyer.



Rule 1.02 | AUTHORITY OF UNITED STATES MAGISTRATE JUDGES

(a) AUTHORITY. A United States magistrate judge in the Middle District can exercise the maximum authority and perform any duty permitted by the Constitution and other laws of the United States.

(b) ADMINISTRATIVE ORDER. The chief judge must issue and publicize with the local rules an administrative order that delineates the authority and describes the duties of a United States magistrate judge. The chief judge can amend the administrative order as needed.



Rule 1.03 | ADMIRALTY AND MARITIME

(a) ADMIRALTY AND MARITIME PRACTICE MANUAL. To supplement and clarify the United States "Supplemental Rules for Admiralty and Maritime Claims and Asset Forfeiture Actions," the Middle District must adopt and publish a manual that governs admiralty and maritime practice in the Middle District.

(b) ADMIRALTY AND MARITIME PRACTICE COMMITTEE. The chief judge must appoint a standing committee comprising representatives of the admiralty and maritime bar and must designate the chair. The committee must consist of no fewer than five admiralty and maritime lawyers, each appointed for no more than three years. The committee must meet at least annually to consider and recommend improvements to the manual.



Rule 1.04 | DIVISIONS AND PLACE TO FILE

(a) DIVISIONS. The Middle District comprises these divisions and these counties:

<p>Fort Myers Division</p>	<p>Charlotte County Collier County DeSoto County Glades County Hendry County Lee County</p>
<p>Jacksonville Division</p>	<p>Baker County Bradford County Clay County Columbia County Duval County Flagler County Hamilton County Nassau County Putnam County St. Johns County Suwanee County Union County Ocala Division Citrus County Lake County Marion County Sumter County</p>
<p>Orlando Division</p>	<p>Brevard County Orange County Osceola County Seminole County Volusia County</p>
<p>Tampa Division</p>	<p>Hardee County Hernando County Hillsborough County Manatee County Pasco County Pinellas County Polk County Sarasota County</p>



(b) DIVISION FOR A CIVIL ACTION. A party must begin an action in the division to which the action is most directly connected or in which the action is most conveniently advanced. The judge must transfer the action to the division most consistent with the purpose of this rule.

(c) DIVISION FOR A CRIMINAL ACTION. Unless otherwise provided by law, the United States must begin a criminal action in a division in which at least one defendant committed a charged offense. The judge must transfer the action to the division to which the action is most directly connected or in which the action is most conveniently advanced.



Rule 1.05 | DOCKETING AND ASSIGNMENT

(a) CLERK'S DOCKETING AND ASSIGNMENT. On receipt of an initial paper, the clerk must classify the paper as civil, criminal, or miscellaneous; assign the paper a distinct number; and randomly assign the paper to a district judge, a magistrate judge, or both. The clerk cannot change the initial assignment without an order from the judge or the chief judge. The clerk must report promptly to the chief judge an apparent attempt to evade the random assignment of an initial paper.

(b) VEXATIOUS LITIGANT. A judge can assign review of an initial paper from a vexatious litigant to the judge already designated to review the vexatious litigant's filings.

(c) ACCEPTANCE OF A PAPER FROM A PERSON IN CUSTODY. The clerk must accept an initial paper from a person in custody even if no filing fee or motion for leave to proceed in forma pauperis accompanies the paper.



Rule 1.06 | REMOVAL OF AN ACTION FROM STATE COURT

(a) DIVISION ASSIGNMENT. The clerk must docket a removed action in the division that includes the county from which the party removed the action.

(b) STATE COURT DOCKET. The removing party must file with the notice of removal a legible copy of each paper docketed in the state court.

(c) PENDING MOTION. A motion pending in state court and not re-filed within twenty-one days after removal and in compliance with these rules is denied without prejudice.



Rule 1.07 | SUCCESSIVE AND OTHER RELATED ACTIONS

(a) TRANSFER

(1) *Successive Action.* If an action is docketed, assigned, and terminated; later re-filed without a material change in the issues or the parties; and assigned to a judge other than the judge originally assigned, the originally assigned judge should accept the transfer. If the originally assigned judge declines the transfer, the chief judge can transfer the action to the originally assigned judge upon a request from the newly assigned judge and after consultation with the originally assigned judge.

(2) *Other Actions.*

(A) By the Judge. If the transferee judge consents, the judge to whom the clerk assigns an action can transfer the action at any time and for any reason.

(B) By a Party. If actions before different judges present the probability of inefficiency or inconsistency, a party may move to transfer a later-filed action to the judge assigned to the first-filed action. The moving party must file the motion in the later-filed action and a notice and a copy of the motion in the first-filed action. The proposed transferor judge must resolve the motion to transfer but can transfer the action only with the consent of the transferee judge. The transferee judge can order the clerk to assign to the later-filed action the magistrate judge in the first-filed action.

(C) By the Chief Judge. If the judge in a first-filed action declines a transfer, the chief judge can transfer a later-filed action to the judge in the first-filed action upon a request from the judge in the later-filed action and after consultation with the judge in the first-filed action. The transferee judge can order the clerk to assign to the later-filed action the magistrate judge in the first-filed action.



(b) CONSOLIDATION. If actions assigned to a judge present the probability of inefficiency or inconsistency, a party may move to consolidate the actions. The party must file the motion in one action and a notice and a copy of the motion in the other action. The judge can order the clerk to assign to the consolidated actions the magistrate judge assigned to the first-filed action.

(c) DUTY OF THE LEAD COUNSEL. The lead counsel has a continuing duty to notify the judge of a related action pending in the Middle District or elsewhere. The lead counsel promptly must file a "Notice of a Related Action" that identifies and describes the related action.



Rule 1.08 | FORM OF A PLEADING, MOTION, OR OTHER PAPER

(a) **TYPOGRAPHY REQUIREMENTS.** Except as provided in (b), each pleading, motion, or other paper, excluding an exhibit, an attachment, a transcript, an image, or other addendum, must conform to these requirements:

Paper Size	8½ x 11 inches
Margins	1 inch
Page Numbering	Bottom center but no numbering necessary on page one
Main Text	At least 13-point, 2.0 double-spaced
Indented Quotation	At least 12-point, single-spaced
Footnote	At least 11-point, single-spaced
Typeface	Book Antiqua Calisto MT Century Schoolbook Georgia Palatino
Character Spacing	Scale: 100% Spacing: Normal Position: Normal



(b) ANOTHER PERMISSIBLE TYPEFACE. Times New Roman is permitted if the main text is at least 14-point, an indented quotation is at least 13-point, a footnote is at least 12-point, and the paper otherwise complies with (a).

(c) REQUIREMENTS FOR OTHER SUBMISSIONS. The judge can permit a party to file a tangible rather than an electronic paper or a handwritten rather than a typewritten paper. The party must use opaque, unglazed, white, unbound paper with print on only one side.



Rule 1.09 | TITLE OF A PLEADING, MOTION, OR OTHER PAPER

The title of these papers must include these words:

An unopposed motion	"Unopposed"
An emergency or time-sensitive motion	"Emergency" or "Time-Sensitive"
A motion requesting a temporary restraining order	"Motion for Temporary Restraining Order"
A motion requesting a preliminary injunction	"Motion for Preliminary Injunction"
A paper requesting preliminary or permanent injunctive relief	"[Preliminary or Permanent] Injunctive Relief Requested"
A paper requesting declaratory relief	"Declaratory Relief Requested"
A paper demanding a jury trial	"Demand for a Jury Trial"
A pleading with a claim requiring three judges	"Three Judges Required"
A paper challenging the constitutionality of a federal or state statute	"Challenge to the Constitutionality of [the statute]"
A motion to seal under a statute or rule	"Motion to Seal Under [the statute or rule]"
A pleading alleging a class action	"Class Action" and a section titled "Class Action Allegations"
A pleading alleging a collective action	"Collective Action" and a section titled "Collective Action Allegations"
A pleading alleging a derivative action	"Derivative Action"



Rule 1.10 | FILING PROOF OF SERVICE OF PROCESS; DEADLINE FOR DEFAULT

(a) PROOF OF SERVICE. Within twenty-one days after service of a summons and complaint, a party must file proof of service.

(b) APPLICATION FOR A DEFAULT. Within twenty-eight days after a party's failure to plead or otherwise defend, a party entitled to a default must apply for the default.

(c) APPLICATION FOR A DEFAULT JUDGMENT. Within thirty-five days after entry of a default, the party entitled to a default judgment must apply for the default judgment or must file a paper identifying each unresolved issue – such as the liability of another defendant – necessary to entry of the default judgment.

(d) FAILURE TO ACT TIMELY. Failure to comply with a deadline in this rule can result in dismissal of the claim or action without notice and without prejudice.



Rule 1.11 | FILING UNDER SEAL IN A CIVIL ACTION

(a) PUBLIC RIGHT OF ACCESS. Because constitutional law and common law afford the public a qualified right of access to an item filed in connection with the adjudication of a claim or defense, sealing is unavailable absent a compelling justification. Sealing is not authorized by a confidentiality agreement, a protective order, a designation of confidentiality, or a stipulation.

(b) FILING UNDER SEAL IF AUTHORIZED BY A STATUTE, RULE, OR ORDER. If filing under seal is authorized by a statute, rule, or order, a motion for leave to file under seal:

- (1) must include in the title "Motion to Seal Under [Statute, Rule, or Order]";
- (2) must cite the statute, rule, or order authorizing the seal;
- (3) must describe the item submitted for sealing;
- (4) must establish that the item submitted for sealing is within the statute, rule, or order;
- (5) must propose a duration of the seal;
- (6) must state the name, mailing address, email address, and telephone number of the person authorized to retrieve a sealed, tangible item; but
- (7) must not include the item proposed for sealing.

An order sealing an item under this section must state the reason the seal is required and must identify the statute, rule, or order authorizing the seal.

(c) FILING UNDER SEAL IF NOT AUTHORIZED BY A STATUTE, RULE, OR ORDER. If no statute, rule, or order authorizes a filing under seal, a motion for leave to file under seal:

- (1) must include in the title "Motion for Leave to File Under Seal";
- (2) must describe the item proposed for sealing;
- (3) must state the reason:
 - (A) filing the item is necessary,
 - (B) sealing the item is necessary, and



(C) partial sealing, redaction, or means other than sealing are unavailable or unsatisfactory;

(4) must propose a duration of the seal;

(5) must state the name, mailing address, email address, and telephone number of the person authorized to retrieve a sealed, tangible item;

(6) must include a legal memorandum supporting the seal; but

(7) must not include the item proposed for sealing.

An order permitting leave under this section must state the reason that a seal is required.

(d) FILING ANOTHER PERSON'S CONFIDENTIAL ITEM. To file an item that plausibly qualifies for sealing and that the filing person knows or reasonably should know another person considers confidential, the filing person must file instead of the item a placeholder only identifying the item and must notify the other person within seven days after filing the placeholder. Within fourteen days after receiving the notice, the other person or a party may move to seal the item. Absent a timely motion, the filing person must file the item within seven days after expiration of the fourteen days. If the item is part of a paper to which a response is permitted, the time within which to respond is extended until seven days after filing.

(e) SETTLEMENT AGREEMENT. Sealing of a settlement agreement is unavailable absent an extraordinary justification, such as preservation of national security, protection of a non-party, protection of a trade secret or other proprietary information, or protection of a minor or another especially vulnerable person.

(f) EXPIRATION. No seal under this rule extends beyond ninety days after a case is closed and all appeals exhausted.

APPENDIX



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