UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2002-36

FILED by ___ D.C.
AUG 29 2002
CLARENCE MADDOX
CLERK U.S. DIST. CT.
S.D. OF FLA.

IN RE: Electronic filing

_____/

Federal Rule of Civil Procedure 83 authorizes the Court to make rules governing its practices. Federal Rule of Civil Procedure 5(e) encourages the district court to make rules and promulgate practices and procedures governing the filing of pleadings by electronic means. Pursuant to that authority, it is hereby

ORDERED that electronic filings be accepted by this Court's Clerks' Office subject to the following rules, practices, and procedures.

A. General Information

Pursuant to Federal Rule of Civil Procedure 5(e) and proposed Local Rule 5.5, this Court will accept pleadings and other papers filed and signed by electronic means in accordance with the local rules and subsequent administrative orders of this Court. This administrative order and any related orders are intended to supplement the existing local rules, and do not replace, overrule, or qualify any other pre-existing rules unless specifically so stated herein or hereinafter in an administrative order.

B. Scope of Electronic Filing

1) cases in which electronic filings will be accepted

The Court will define by administrative order the class of cases in which electronic filing will be accepted. Any expansion or contraction of the list of cases in which electronic filing will be allowed will likewise be by administrative order. Such orders will be posted on the Court's website and in appropriate public areas of all courthouses in the District.

2) documents which may be filed electronically

The filing of the case-initiating papers in all cases, including those cases in which this Court has, by administrative order, authorized electronic filing, will be accomplished in the traditional manner - i.e., on paper - rather than electronically. This includes the complaint, and the issuance and service of summons.

Subsequent to case opening, all pleadings, motions, documents, etc., in the cases of the identified class deemed appropriate for Electronic Filing may be filed electronically in conformance with the Local Rules, this order, and any other subsequent relevant Administrative Orders, and with the following exceptions:

a) documents which may not be filed electronically

i) case-initiating documents (*see* § B 2, *supra*)

ii) Single documents exceeding 25 pages in length

iii) emergency matters

iv) documents filed under seal pursuant to Local Rule

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v) the state court record and other the Rule 5 materials in habeas corpus case under 28 U.S.C. § 2254

vi) administrative records and transcripts in Social Security and other administrative review cases

vii) attachments and/or exhibits to the filed document which exceed, cumulatively, 50 pages in length

viii) handwritten materials

ix) any document which the Court may hereinafter require be filed on paper with original signature

NOTE: Electronically-filed documents are subject to the redaction of personal information requirements contained in proposed Local Rule 8.1.

C. Authorization to File Electronically

Only members of the Bar of this Court who have submitted the required authorization form may file electronically in those cases in which this Court has specifically authorized electronic filing and in which the filer is an attorney of record. Copies of the electronic filing authorization form may be downloaded from the Court's website or obtained from the intake section of any federal courthouse in the district.

D. How Documents are Filed Electronically With the Court

1) Format

All documents electronically filed must be in Adobe Portable Document Format (PDF). Pre-existing documents that meet the requirements of subsection B 2, *supra*, and are filed

as exhibits or attachments, etc., must first be scanned or converted into PDF format before they may be electronically filed. Any document which is already contained in this Court's file should not be attached to any filing as an exhibit, but, rather, should be incorporated by specific reference. The PDF file must be an exact replica of the original document, but for the original signature. All relevant local rules as to form and content of pleadings apply to the PDF document sought to be filed.

2) Signature

The user's Court-issued login and password serve as the authorized user's signature on all documents electronically filed with the Court. This information also serves as a signature for the purposes of the Federal Rules of Civil Procedure, including Rule 11, and the local rules of this Court.

Electronically filed documents must include a signature block, and must set forth the name, address, phone number, fax numbers and E-Mail address of the signor. In addition, the name of the authorized user who electronically filed the document must be typed on the signature line, preceded by an "s/." Documents requiring multiple signatures must list all other signatories and type their names on the individual signature line, preceded by an "s/." By submitting such a document, the filer certifies that each of the other

signatories has expressly agreed to the form and substance of the document and that the filer has their actual authority to submit the document electronically. The filer must retain any records evidencing the concurrence of the other signatories for subsequent production to the Court if so ordered.

3) Filing Process

The document or documents that are to be electronically filed must be uploaded, in PDF format, at the designated "E-Filing" location on this Court's Internet site. The information requested as part of the uploading process will be used to identify and route the electronically filed document: it must, therefore, be completely and accurately entered. Any delay in filing caused by erroneous user data entry will be attributed to the user and will not toll the established time period for the filing of any document, pleading, or motion, nor constitute cause to excuse the late filing thereof.

4) Original Documents

The original document from which the PDF file was generated must be retained by the filer for one year. The filer may be required to submit the original to the Court for its review at any time. A Clerk's Office-generated paper copy of the PDF document shall serve as the official Court file and shall be retained pursuant to the guidelines currently governing the retention of the Court's paper files.

5) Exception to courtesy copy requirement

Local Rule 5.1 notwithstanding, no paper copy of an electronically filed document need be provided to the presiding Judge. A paper copy will be internally generated and provided to the Judge when the electronic filing is processed.

E. Receipt of Electronically filed Documents by Clerk's Office

1) **Confirmation of Filing**

When an document is downloaded from the Internet Site, opened by a deputy clerk, and found to be sufficiently compliant with all local rules to allow its filing, the PDF document will be electronically stamped "filed" with the date of filing and the initials of the deputy clerk who electronically stamped it. An electronic copy of the stamped PDF file will then be returned to the sender as an acknowledgment of receipt and filing. Unless such return is received, the sender should not assume that the document has been received and filed.

3) **Time of Filing**

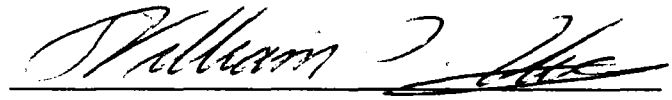
Users will have the ability to electronically file at any time. Although electronic filings will be processed only during business hours, a successfully uploaded document that sufficiently complies with all relevant rules governing filing will be deemed filed when electronically received, and will be stamped with the date on which the successful upload was completed. A document that is not what the filer has

represented it to be, is obviously not intended for filing, or does not sufficiently comply with applicable rules to be accepted for filing, will be returned unfiled. Again, user error which results in a failure of or delay in filing will not toll the time for filing nor constitute cause to excuse a late filing. Thus, parties who file after business hours on the day a pleading is due do so at their own risk.

4) Consequences of Filing

Successful upload of a fileable document in conformance with these rules, memorialized by the return transmission of an electronically-stamped copy of the PDF file as an acknowledgment of receipt of filing, constitutes filing of the document for any and all purposes of the Federal Rules of Civil Procedure and the local rules of this Court.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 28th day of AUGUST, 2002.



WILLIAM J. ZLOCH
CHIEF UNITED STATES DISTRICT JUDGE

Copies furnished:
All Southern District Judges and Magistrate Judges
United States Attorney
Clarence Maddox, Court Administrator • Clerk of Court
Federal Public Defender
Brian Spector, Esq., Chair
Ad Hoc Committee on Rules and Procedures
Mr. Norman Zoller, Circuit Executive
Library