

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

ADMINISTRATIVE PROCEDURES
FOR ELECTRONIC FILING

APRIL 1, 2024



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Introduction

Since July 12, 2004, the United States District Court for the Middle District of Florida has mandated electronic filing through the Case Management/Electronic Case Filing system. Unless otherwise permitted by these Administrative Procedures, a Court order, or the Local Rules of the Middle District of Florida, all documents in civil, criminal, and miscellaneous cases must be filed electronically through the Case Management/Electronic Case Filing system.

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

A. Definitions

1. “Case Management/Electronic Filing System” (CM/ECF) is the Middle District of Florida’s system that allows case documents to be filed online.
2. “Court” means the judges of the Middle District collectively.
3. “E-filer” means an eligible and properly registered lawyer or pro se litigant authorized by court order to file in CM/ECF.
4. “Judge” means presiding judge.
5. “Public Access to Court Electronic Records” (PACER) means the online service that provides electronic public access to federal court records. PACER allows individuals to view, print, and download case information and remotely access case records.
6. “Pro se” means not represented by a lawyer.
7. “Technical failure” means a malfunction of the Court’s hardware, software, and/or telecommunications facility resulting in the inability of a filer to submit a document electronically.

B. CM/ECF Eligibility and Registration

1. Chapter Two of the Local Rules governs eligibility and registration with the Middle District’s CM/ECF. The Local Rules require that each member of the Middle District bar and each lawyer seeking special admission to practice in the Middle District be registered to use the Middle District’s CM/ECF system. Failure to properly register for CM/ECF may result in a lawyer being terminated from the docket sheet, the lawyer not receiving copies of case filings, or the dismissal of an action.
2. To register for a CM/ECF account a lawyer must register for an individual PACER account at www.pacer.gov and request E-filer access through PACER. Approval of the E-filer registration will be emailed to the lawyer at the primary email address registered in PACER.
3. A lawyer failing to maintain membership in the Middle District bar under Local Rule 2.01(b)(2) is subject to removal as an E-filer.
4. Absent a court order, a pro se litigant is not permitted to file documents in CM/ECF. If the presiding judge authorizes a pro se litigant to use

CM/ECF, the pro se litigant must register in the same manner as a lawyer. Pro se litigant access is restricted to the case in which the pro se litigant has received approval from the presiding judge.

5. The Court does not monitor undeliverable email or delayed mail from a registered user's primary or secondary email accounts. Each E-filer must maintain a current email address associated with their PACER and CM/ECF accounts, monitor email spam filters, and maintain sufficient email storage to prevent undeliverable or untimely delivery of emails from CM/ECF.

C. CM/ECF Filing Requirements

1. A document filed in CM/ECF must be in PDF format. When possible, an E-filer should convert a document to PDF directly from the word processing application instead of using a scanner. All documents, including fillable PDF forms, must be flattened before being filed in CM/ECF. (*See* instructions entitled "How to Flatten a PDF" on the CM/ECF page of the Court's website.) An E-filer must verify the readability of a document before filing electronically.
2. The use of a hyperlink in a document is permitted. A hyperlink can link to other portions of the same document or a website containing 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.
3. CM/ECF has a 50 megabyte limitation per document. An attachment or exhibit larger than 50 megabytes must be filed electronically in separate 50-megabyte segments.
4. An E-filer must notify the appropriate divisional Clerk's Office when filing an emergency or time-sensitive motion.

D. Notice of Electronic Filing

1. The filing of a document in CM/ECF automatically generates a notice of electronic filing (NEF), which is an email confirmation of the filing that is sent to each E-filer of record in the case. A document is deemed filed as of the time and date listed on the NEF.
2. 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 15 days after the NEF is

emailed. An E-filer must access PACER to view a document after the hyperlink has expired.

E. Exception to Filing in CM/ECF – Paper Filings

The following documents must be submitted to the Clerk’s Office in paper form, by mail or hand-delivery, regardless of e-filing status or whether the filer is a lawyer or pro se.

1. Documents in criminal cases that require the signature of a non-attorney, such as a grand jury foreperson or a third-party custodian.
2. Unless otherwise allowed by a judge, the indictment, information, criminal data sheet, summons, and warrant in criminal cases.
3. Highly Sensitive Documents, as defined in the Amended Order Regarding Procedures for Filing Highly Sensitive Documents, Case No. 3:21-mc-1-TJC, Doc. 14.

F. Exception to Filing in CM/ECF – Web Portal

1. The documents listed below must be filed through the Electronic Document Submission Portal (Web Portal) on the Court’s website or filed in paper format.
 - a. Documents in civil cases that are both ex parte and sealed.
 - b. New sealed cases and all filings in existing sealed cases.
 - c. Initiating documents in a miscellaneous case.
2. A document submitted for filing through the Web Portal will be deemed filed on the date of submission unless the document was submitted during the weekend or on a federal holiday, in which case the filing date will be the next business day.
3. A document submitted for filing through the Web Portal must be in PDF format.

G. Filing Fee and Summons

1. The proper filing fee or Application to Proceed without Prepayment of Fees and Affidavit must accompany a case initiating document. When a case initiating document is filed in CM/ECF, the appropriate filing fee must be paid through CM/ECF via Pay.gov concurrent with the

filing of the documents in CM/ECF.

2. **Summons**

- a. A proposed summons may be filed electronically with the case initiating documents, filed electronically in 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 a proposed summons received electronically through CM/ECF by affixing an electronic seal and filing the issued summons in CM/ECF. No paper summons will be mailed.
- c. The Clerk's Office will manually issue the proposed summons received in paper, file the issued summons to CM/ECF, and return the original paper summons with a raised court seal affixed to the requesting party.

H. **Electronic Signatures**

1. **Signatures of filing parties.** Every 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/ [filing 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 signature or /s/ [filing 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 seeking 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 an official court login constitutes an original signature for all purposes.

I. **Redaction**

1. Every lawyer and pro se litigant is responsible for redacting personal identifiers before filing any 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.
2. 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 documents filed with the Court, whether electronically, in paper form, or through the Web Portal.
 - 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 digits 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 the city and state (criminal cases only).
3. 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 the Federal Rules of Procedure;
 - f. A pro se litigant filing an action brought under 28 U.S.C. §§ 2241, 2254, or 2255;
 - g. An executed arrest or search warrant; and
 - h. A charging document and an affidavit filed in support of any charging documents.

J. Filing Sealed Documents in CM/ECF

- 1. A motion to seal must include the item proposed for sealing. The motion to seal itself must not be sealed. *See* Local Rule 1.11.
- 2. A sealed document must be marked as “SEALED.”
- 3. A lawyer is required to electronically file a sealed document in non-sealed civil and criminal cases through CM/ECF and comply with the Court’s procedures for filing sealed documents, which are available on the Court’s website.
- 4. A pro se filer must submit a sealed document to the Clerk’s Office for filing in paper form, by mail or hand-delivery, or through the Web Portal.
- 5. A sealed filing is not accessible through an NEF. The filing party is therefore responsible for serving all sealed documents by other means. A certificate of service must be included with every sealed filing and a

copy of the NEF should be served with the sealed document.

K. 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.
2. View-only access to CM/ECF is limited to PACER subscribers.
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 is governed by 28 U.S.C. § 1914.

L. Retention

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

M. Fees Payable to the Clerk

A 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 payment using a business check.

N. Correcting Errors

1. Only the Clerk may change or correct a document or docket entry in CM/ECF. If an E-filer discovers an error after filing, the E-filer should immediately contact the appropriate divisional Clerk's Office.
2. If the Clerk discovers an error with a document filed, the Clerk may alert the E-filer of the error and, if necessary, the manner in which to proceed and note the error and any instruction provided to the E-filer in the docket entry.
3. An E-filer notified by the Clerk to correct an error is responsible for doing so immediately.
4. If, after filing, an E-filer determines a document should have been filed under seal, that E-filer must comply with the Local Rules and obtain a court order to seal the document or exhibit. Absent a court order, the Clerk's Office will not seal a document.

O. Technical Failure

1. CM/ECF is available twenty-four hours per day, seven days per week, except during scheduled maintenance or power outages, which will be posted on the Court's website in advance. If a technical failure with CM/ECF results in an untimely filing, the E-filer may move for appropriate relief.
2. A lawyer who experiences technical difficulties is nevertheless responsible for filing electronically through CM/ECF, rather than through the Web Portal or filing in paper.

Revision Schedule

Date	Comments	By
12/16/2021	Pursuant to Standing Order 3:21-mc-1, Doc. 43, section D.1 updated and E. 5. d added, to address summons in social security cases.	NS
10/12/2022	Revised in light of changes to sealed filings procedures	MAM AB
11/28/2022	Revised in light of new Supplemental Rules for Social Security	NS
4/1/2023	Revised in light of new Local Rules effective April 1, 2024 (sealed filings in civil cases), mandatory e-filing, and emergency procedures.	APV MAM