



UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA

**2020 LOCAL RULE REVISIONS—BULLET POINT SUMMARY**

**Authority:**

- 28 U.S.C. § 2071
- Fed. R. Civ. P. 83
- Fed. R. Crim. P. 57

**Goal:**

- Modernize and simplify
- Accommodate changes in national & local practice
- Eliminate overlap with federal rules and statutes
- Eliminate references to specific federal rules and statutes
- Address re-occurring complaints and issues
- Accord with best practices

**Process:**

- Individual teams (February 2019)
- Collective teams
- Individual teams
- Style committee
- Local Rules committee
- Board of judges
- Public notice & comment and comments from Lawyer's Advisory Committee
- Individual teams
- Local Rules committee
- Board of judges
- Final (October 2020)

**Changes:**

- 131 pages to 45 pages

**Gone:**

- Overlap with federal rules and statutes
- Most references to specific federal rules and statutes
- Repeated use of “unless otherwise ordered” (in favor of one rule—Rule 1.01(b)—stating, “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)”)
- Local counsel requirement for special admission
- Admission ceremonies for members of the court’s bar
- “Track” system for case management
- Ministerial rules about court administration
- Time of motion to join third parties
- Admiralty and maritime rules (in favor of separate practice manual)
- Court annexed arbitration
- Prohibition on disclosing sentencing recommendations
- Preference for discovery by “disk” and other outdated discovery requirements
- Requiring each disputed discovery request and response to be “cut and pasted” into motion to compel
- 90-day deadline to request class-action certification

**New:**

- Numbering and organization (throughout, except Rule 3.01(g) is the same)
- Comparison tables (pp. iii to vii)
- Definition section (Rule 1.01(d))
- Typography requirements, including 13-point for main text and specific typeface (Rule 1.08)
- Expanded list of required titles for motions (e.g., “unopposed,” “declaratory relief requested”) (Rule 1.09)
- Timing rules for proof of service, default, and default judgment (Rule 1.10)
- Sealing rules, including if filing someone else’s confidential information (Rule 1.11)

- More time (21 days) to respond to some motions, including motions for summary judgment (Rule 3.01(c))
- Reply to response to motion for summary judgment allowed (Rule 3.01(d))
- Expansion of 3.01(g), including requiring conferral on motion to dismiss, a particular form of the certificate, and updates if the opposing side was unavailable (Rule 3.01(g))
- Prohibition on proposed orders (Rule 3.01(f))
- Separate request for oral argument or evidentiary hearing (Rule 3.01(h))
- Supplemental authority requirements (Rule 3.01(i))
- Case management requirements, including use of a universal case management report form and timing (Rule 3.02)
- Disclosure statement and certificate (Rule 3.03)
- Expanded 14-day notice requirements (besides for deposition by oral examination, also for deposition by written question and subpoena ducas tecum) (Rule 3.04)
- Expanded stipulation requirements (Rule 3.05)
- Automatic denial of motion pending in removed action and not refiled within 21 days of removal
- Requirement in final pretrial statement of notation of likelihood a witness will testify (Rule 3.06(b)(5)(A))
- Prohibition on notice of unavailability (Rule 3.08(c))
- Requirement of filing notice of resolution of all or part of disputed matter, including if resolution is contingent or unwritten (Rule 3.09)
- Decorum requirements for virtual proceedings (Rule 5.03(e))
- Express prohibition on broadcasting, recording, and photographing proceedings by telephone or videoconference (Rule 5.01)
- Bifurcated proceedings for attorney's fees and non-taxable expenses (Rule 7.01)
- Electronics in the courthouse (moved from administrative order) (Rule 7.02)
- Pro bono requirement for certified mediators (Rule 4.02(e))
- Requirement of providing exhibits electronically (Rule 3.07(c))
- Lead counsel requirements (formerly known as "trial counsel") (Rules 1.01(d)(9), 1.07(c), 2.02(a), 4.03(d), 7.01(c)(4)(E), 7.01(c)(5)(B))

***Mostly the same:***

- Divisions (Rule 1.04)
- Docketing and assignments (Rule 1.05)
- Duty of counsel to report related actions (Rule 1.07(c))
- Special admission for non-members (Rule 2.01(c))
- Governed by rules of The Florida Bar (Rule 2.01(e))
- Appearing and withdrawing (Rule 2.02)
- Discipline and grievance committees (Rule 2.04)
- Appearance by law students (with some changes) (Rule 2.03)
- 14-day notice of depositions (expanded) (Rule 3.04)
- Marking and providing exhibits (Rule 3.07)
- Failure to prosecute dismissal (Rule 3.10)
- Disclosures in a criminal action (Rule 3.11)
- Courtroom Decorum (Rule 5.03)
- Rules for TROs and preliminary injunctions (Rules 6.01, 6.02)
- In forma pauperis rules (Rule 6.03)
- Rules for civil action by person in custody (Rule 6.04)
- Habeas rules in capital case (Rule 6.05)
- Marshal's deeds (Rule 6.06)
- Prohibition on photography and broadcasting (Rule 5.01)
- Prohibition on communicating with jurors (Rule 5.02(d))
- No venire research (Rule 5.02(c))
- Pretrial services rules (Rule 3.12)
- MJ powers and duties (but specifics moved to administrative order) (Rule 1.02)