

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

ADMINISTRATIVE PROCEDURES
FOR
ELECTRONIC FILING



Effective November 7, 2022

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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 Filing (“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.

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. “**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. “**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.”
5. “**Judge**” means presiding judge.
6. “**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.
7. “**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.
8. “**Pro se**” means not represented by a lawyer.
9. “**Portable Document Format**” (PDF) means a document format that allows a document to be transmitted electronically without changing the document’s appearance or layout.
10. “**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 register for an individual PACER account at www.pacer.gov and request E-filer access through PACER.
3. Approval of the E-filer Registration will be emailed to the lawyer at the primary email address registered in PACER.
4. 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.
5. Absent a Court order, a **pro se litigant** is not permitted to file documents on 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 provided in these procedures for a lawyer. Pro se litigant access is restricted to the case in which the pro se litigant has approval from the presiding judge.
6. The Court 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. CM/ECF Filing Requirements

1. 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.
2. 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.
3. Attachments and exhibits larger than fifty (50) megabytes should be filed electronically in separate fifty (50) megabyte segments.

D. Notice of Electronic Filing (NEF)

1. 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.
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 fifteen (15) days after the NEF is emailed. An E-filer must access PACER to view a document after the hyperlink has expired.

E. Service of Documents Filed in CM/ECF

1. **A party may not electronically serve a complaint**, but instead must effect service according to Rule 4 of the Federal Rules of Civil Procedure, except in social security cases where the Commissioner of Social Security must move for service of process. See Standing Order on the Management of Social Security Cases, Case No. 3:21-mc-1-TJC, Doc. 43.
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.

F. Exceptions to Filing in CM/ECF

1. The following documents **must be submitted to the Clerk's Office in paper form**, by mail or hand-delivery, regardless of e-filing status:
 - a. documents in criminal cases that require the signature of a non-attorney, such as a grand jury foreperson or a third-party custodian;
 - b. certain charging documents in criminal cases (the indictment, information, criminal data sheet, summons, and warrant); and
 - c. 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.

2. The following documents **must be submitted to the Clerk's Office in paper form or electronically through the Electronic Document Submission Portal** (Web Portal) on the Court's website:
 - a. all filings by pro se litigants who are not authorized by Court order to use CM/ECF;
 - b. documents in civil cases that are both ex parte and sealed;
 - c. new sealed cases and all filings in existing sealed cases; and
 - d. initiating documents in a miscellaneous case.
3. The filing date for a document submitted through the Web Portal will be 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.
4. A document submitted through the Web Portal by a pro se litigant must be signed with an electronic signature or a scanned signature.

G. Filing Fee and Summons

1. 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 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 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.
- d. A proposed summons in a social security case will be issued after the clerk’s office is ordered to do so by the Court.

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 the judge’s or court official’s login constitutes an original signature for all purposes.

I. **Redaction**

1. **Responsibility for redaction.** It is the responsibility of every lawyer and pro se litigant to redact 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. 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 documents 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 the 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 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. **Leave of Court.** Leave of court is required before filing a document under seal.
 - a. **Civil Case.** Under Local Rule 1.11(b)(7), a motion for leave to file under seal in a civil case must not include the item proposed for sealing.
 - b. **Criminal Case.** A motion for leave to file under seal in a criminal case must include the proposed item for sealing. All proposed items must be marked as “SEALED.”
2. **Filing a Document Under Seal.** All sealed documents must be marked as “SEALED.”
 - a. **Lawyers.** Upon a judge’s authorization, lawyers must electronically file sealed documents in non-sealed civil and criminal cases and comply with the court’s guidelines for filing sealed documents, which are available on the court’s website.
 - b. **Pro Se Filers.** Upon a judge’s authorization, pro se filers must submit sealed documents to the clerk’s office for filing in paper form by mail or hand-delivery or electronically through the Web Portal.

3. **Service of Sealed Documents.**

- a. **Lawyers.** Documents electronically filed under seal are not accessible through the NEF. The filing party is therefore responsible for serving all sealed documents and attachments on applicable parties 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.
- b. **Pro Se Filer.** A pro se filer must provide a copy of all documents filed under seal to all applicable parties.

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. 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 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 will be in accordance with 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 this court's administrative order.

M. **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.

N. **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 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 document will not be sealed.

O. 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 using the court's Web Portal or in paper form.
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. Scheduled maintenance and power outages will be posted on the court's website. The Clerk will maintain a log of all periods of technical failure.

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.	NAS
10/12/2022	Revised in light of changes to sealed filings procedures	MM AB