LOCAL RULES

OF

THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF FLORIDA

~~APRIL~~ NOVEMBER 1, 2024~~4~~5

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Chapter One — 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 temporarily modify or suspend the application of any rule, except Local 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 a United States Magistrate Judge

(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:

Fort Myers Division	Charlotte County Collier County DeSoto County Glades County Hendry County Lee County
Jacksonville Division	Baker County Bradford County Clay County Columbia County Duval County Flagler County Hamilton County Nassau County Putnam County St. Johns County Suwannee County Union County

Ocala Division	Citrus County Hernando County Lake County Marion County Sumter County
Orlando Division	Brevard County Orange County Osceola County Seminole County Volusia County
Tampa Division	Hardee County ~~Hernando County~~ Hillsborough County Manatee County Pasco County Pinellas County Polk County Sarasota County

(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. Unless otherwise administratively ordered by the chief judge, 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. Unless otherwise administratively ordered by the chief judge, 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 when the action is removed 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 file promptly a "Notice of Related Action" identifying and describing any related action — either pending or closed — in the Middle District or elsewhere.

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"
A pleading alleging a derivative action	"Derivative Action"

Rule 1.10 Filing Proof of Service of Process; Deadline for Default

(a) PROOF OF SERVICE OR WAIVER. Within twenty-one days after service of a summons and complaint or receipt of a waiver, a party must file proof of service or the waiver.

(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 Sealing in a Civil Action

(a) PRESUMPTION OF PUBLIC ACCESS. Sealing a docketed item, including a settlement agreement, used in the adjudication or other resolution of a claim or defense requires a reason sufficiently compelling to overcome the presumption of public access. Sealing is not authorized by a confidentiality agreement, a protective order, a designation of confidentiality, or a stipulation.

(b) MOTION TO SEAL. A motion to seal an item:

(1) must include in the title "Motion to Seal Under [Statute, Rule, or Order]" or, if no statute, rule, or order applies, "Motion to Seal";

(2) must describe the item;

(3) must establish:

(A) that filing the item is necessary,

(B) that sealing the item is necessary, and

(C) that using a redaction, a pseudonym, or a means other than sealing is unavailable or unsatisfactory;

(4) must include a legal memorandum;

(5) must propose a duration for the seal;

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

(7) must certify the name, mailing address, email address, and telephone number of any non-party the movant knows or reasonably should know has an interest in establishing or maintaining the seal and the day on which, and the means by which, the movant served or otherwise delivered the motion to the non-party; and

(8) must include the item, which is sealed pending an order resolving the motion.

(c) SUPPORTING OR OPPOSING A MOTION TO SEAL. Within fourteen days after service or other delivery of a motion to seal, any party or non-party interested in establishing or maintaining the seal may file a memorandum supporting the seal. Within twenty-one days after the filing of the motion to seal, any party or non-party opposing the motion may respond. Neither the memorandum nor the response may exceed seven pages.

(d) STAYING AN ORDER DENYING A MOTION TO SEAL. An order denying a motion to seal is automatically stayed for fourteen days to permit a motion to reconsider, for review, to withdraw the item, or for other relief.

(e) EXPIRATION. Unless an order states another time, a seal under this rule expires ninety days after a case is closed and all appeals are exhausted. To prevent the content of a sealed item from appearing on the docket after the seal expires, a party or interested non-party must move for relief before the seal expires.

Chapter Two — Lawyers

Rule 2.01 Practice in the Middle District

(a) REQUIREMENT. Membership or special admission in the Middle District bar is necessary to practice in the Middle District. But neither membership nor special admission is required for a lawyer employed by the United States or a public entity established by federal law to practice within the course and scope of the lawyer's employment.

(b) MEMBERSHIP.

(1) *Requirements.* Membership in the Middle District bar requires:

(A) active membership in good standing in The Florida Bar;

(B) an application for admission that lists the applicant's state of residence, business address, undergraduate and legal education, and jurisdictions in which the applicant is admitted to practice;

(C) an acknowledgment that the applicant is familiar with 28 U.S.C. § 1927;

(D) an acknowledgment that the applicant will comply with the federal rules and these local rules;

(E) an affirmation of the oath;

(F) payment of the fee; and

(G) registration with the Middle District's CM/ECF system.

(2) *Maintaining Membership*. To maintain membership in the Middle District bar, a member:

(A) must pay a periodic fee set by an administrative order;

(B) must maintain with the clerk a current telephone number, mailing address, and email address; and

(C) must comply with, and remain familiar with, the ethical requirements of The Florida Bar.

(c) SPECIAL ADMISSION. A lawyer can move for special admission in a case in the Middle District if the lawyer:

(1) is not an active member in good standing of The Florida Bar,

(2) is a member in good standing of the bar of a United States district court,

(3) has not abused the privilege of special admission by maintaining a regular practice of law in Florida,

(4) lists each case in state or federal court in Florida in which the lawyer has initially appeared in the last thirty-six months, and

(5) satisfies the requirements for obtaining and maintaining membership in the Middle District bar, except the requirements of membership in The Florida Bar, submission of an application, and payment of a periodic fee.

(d) TEMPORARY ADMISSION OF AN ELIGIBLE LAWYER. In an extraordinary circumstance, such as an emergency hearing, a lawyer who is not a member of the Middle District bar or specially admitted can move for temporary admission lasting no longer than thirty days if the lawyer appears eligible for membership or special admission and applies for membership or moves for special admission within seven days after moving for temporary admission.

(e) CONDUCT. A lawyer appearing in the Middle District must remain familiar with, and is bound by, the rules governing the professional conduct of a member of The Florida Bar.

Rule 2.02 Appearance and Withdrawal of a Lawyer

(a) LEAD COUNSEL. The first paper filed on behalf of a party must designate only one "lead counsel" who — unless the party changes the designation — remains lead counsel throughout the action.

(b) APPEARANCE.

(1) A lawyer's pleading, motion, or other paper serves as that lawyer's appearance in an action.

(2) A party, other than a natural person, can appear through the lawyer only.

(3) If a lawyer represents a person in an action, the person can appear through the lawyer only.

(c) WITHDRAWAL. If a lawyer appears, the lawyer cannot without leave of court abandon, or withdraw from, the action.

(1) To withdraw, a lawyer:

(A) must notify each affected client fourteen days before moving to withdraw unless the client consents to withdrawal, and

(B) must file a motion to withdraw that includes:

(i) a certificat~~ion~~ that the lawyer has provided fourteen days' notice to the client or that the client consents to withdrawal and

(ii) if withdrawal will result in a person proceeding pro se, the person's mailing address, email address, and telephone number.

(2) The withdrawing lawyer — not the lawyer's present or former firm or another lawyer — must move to withdraw unless unable because of an emergency, disability, or death.

(3) If withdrawal might cause the continuance of a trial, a lawyer cannot withdraw absent a compelling ethical problem, emergency, disability, or death.

(4) A party that discharges a lawyer must obtain substitute counsel in time to comply with the deadlines. A person no longer represented by counsel must comply with the rules and comply with the deadlines.

(d) LAW FIRMS. A lawyer changing law firms but remaining as the lawyer in an action need not file a motion but must change the lawyer's contact information.

Rule 2.03 Appearance by a Law Student

A law student may participate in a trial or hearing in a civil or misdemeanor action with the judge's consent if the student:

(a) is enrolled in an accredited law school, has completed at least forty-eight semester hours of legal study or the equivalent, and agrees that neither the supervising lawyer nor the student will ask for or receive compensation from the client for the student's services;

(b) is accompanied by a supervising lawyer who assumes professional responsibility for the student's action and the quality of the student's work; and

(c) is acting on behalf of an indigent person, a government, or a governmental agency.

Rule 2.04 Discipline

(a) DISCIPLINE BY THE COURT. In addition to a judge's sanction or use of another grievance mechanism, the court can — after a hearing and for good cause — disbar, suspend, reprimand, or otherwise discipline a member of the Middle District bar or a lawyer appearing by special admission.

(b) REQUIREMENT TO REPORT AND AUTOMATIC SUSPENSION.

(1) *Requirement to Report.* A lawyer must inform the clerk within fourteen days after the lawyer is convicted of a felony or loses good standing with, is publicly disciplined by, is disbarred on consent from, or has resigned from, any bar.

(2) *Automatic Suspension.* Twenty-one days after an event listed in (b)(1), a lawyer is automatically suspended. But automatic suspension under this rule is stayed if, before the automatic suspension, the lawyer petitions the chief judge for relief. If the lawyer is a member of the Middle District bar, the chief judge or one or more judges designated by the chief judge determines the petition. If the lawyer appeared by special admission, the chief judge or the judge assigned to the action determines the petition. If an automatic suspension results from a bar's suspending the lawyer for ninety days or less, the lawyer's reinstatement is automatic upon reinstatement by the bar.

(c) GRIEVANCE COMMITTEES.

(1) *Requirement.* Each division must maintain a committee to investigate alleged lawyer misconduct and report to the chief judge a recommended resolution of the allegation.

(2) *Appointment and Composition.* With the advice and consent of the district judges residing in the division or assigned a material caseload in the division, the chief judge must appoint the committee and designate the chair. The committee must consist of at least five lawyers, each appointed for no more than three years.

(3) *Chair.* The chair must ensure that an investigation and deliberation of the committee remains orderly, reliable, and reasonably speedy and offers fairness and due process to the accused lawyer and any alleged victim.

(4) *Procedure*.

(A) A judge or a committee member can initiate an investigation of alleged lawyer misconduct. A referring committee member must not participate further in investigating or recommending the resolution of an allegation of misconduct.

(B) The chair must appoint at least one committee member to preliminarily investigate the alleged misconduct, although the committee can elect to conduct the preliminary investigation. The investigating member or members must prepare a preliminary report for the committee.

(C) Upon receiving the preliminary report, the committee must determine whether:

(i) to terminate the investigation because the allegation is unsupported or insubstantial or

(ii) to investigate further or refer the allegation to The Florida Bar or both.

(D) If the committee determines to terminate the investigation, the chair must report the determination to the referring judge or committee member.

(E) If the referring judge directs the committee to investigate further, the committee must investigate promptly and report to the judge whether probable cause exists to believe that the lawyer is guilty of unprofessional or unethical conduct justifying disciplinary action.

(F) If the committee finds probable cause for disciplinary action, the chief judge or one or more judges designated by the chief judge:

(i) must order the lawyer to respond,

(ii) must determine whether clear and convincing evidence establishes lawyer misconduct, and

(iii) if so, must impose a proportionate sanction.

(G) The chief judge must notify each district and magistrate judge and the clerk of the sanction imposed.

(5) *Notice*. Unless the committee finds probable cause, a lawyer has no right to notice of the investigation.

(6) *Cooperation*. A lawyer must respond to, and fully cooperate with, the committee during an investigation.

Chapter Three — Motions, Discovery, and Pretrial Procedure

Rule 3.01 Motions, Briefs, and Other Legal Memorandums

(a) PAGE COMPUTATION. Each page limit established in this rule includes every part of the paper (the caption, the signature, and any table, heading, footnote, certificate, and other part) except an exhibit or other attachment.

~~(a)~~(b) LENGTH AND CONTENT OF A MOTION, A BRIEF, OR AN OBJECTION. A motion must include — in a single document no longer than twenty-five pages ~~inclusive of all parts~~ — a concise statement of the precise relief requested, a statement of the basis for the request, and a legal memorandum supporting the request. If the interested parties agree to the relief sought in a motion, the title must include "unopposed." A social security brief must not exceed twenty-five pages. An objection to a magistrate judge's order or report and recommendation must not exceed ten pages. A motion for leave to file a motion, brief, or objection exceeding the page limit must not exceed three pages ~~inclusive of all parts~~; must specify the need for, and the length of, the proposed paper; and must not include the proposed paper.

~~(b)~~(c) LENGTH AND CONTENT OF A RESPONSE. A party responding to a motion or brief may file a legal memorandum no longer than twenty pages ~~inclusive of all parts~~. A response to an objection to a magistrate judge's order or report and recommendation must not exceed ten pages. A motion for leave to file a response exceeding the page limit must not exceed three pages ~~inclusive of all parts~~; must specify the need for, and the length of, the proposed response; and must not include the proposed response.

~~(c)~~(d) TIME TO RESPOND. A party may respond to a motion within fourteen days after service of the motion. However, a party may respond within twenty-one days after service to a motion to dismiss, for judgment on the pleadings, for summary judgment, to exclude or limit expert testimony, to certify a class, for a new trial, or to alter or amend the judgment. If a party fails to timely respond, the motion is subject to treatment as unopposed.

~~(d)~~(e) NO REPLY AS A MATTER OF RIGHT. Except for a reply to a motion for summary judgment or a reply brief in a social security ~~case~~action, no party may reply without leave. A motion ~~requesting~~ for leave to reply must not exceed three pages ~~inclusive of all parts~~; must specify the need for, and the length of, the proposed reply; and must not include the proposed reply. No response to a motion for leave to reply is permitted. A party may reply to a response to a motion for summary judgment within fourteen days after service of the response. A reply must not exceed seven pages ~~inclusive of all parts~~.

~~(e)~~(f) EMERGENCY OR TIME-SENSITIVE MOTION. If a party moves for emergency or time-sensitive relief, the title of the motion must include "emergency" or "time-sensitive," and the motion must include an introductory paragraph that explains the nature of the exigency and states the day by which a ruling is requested. The unwarranted designation of a motion as an emergency can result in a sanction.

~~NO INCORPORATION BY REFERENCE. A motion, other legal memorandum, or brief may not incorporate by reference all or part of any other motion, legal memorandum, or brief.~~

~~(f)~~(g) DUTY TO CONFER IN GOOD FAITH.

(1) *Duty.* Before filing a motion in a civil action, except a motion for a Rule 11 sanction, for injunctive relief, for judgment on the pleadings, for summary judgment, or to certify a class, the movant must confer with the opposing party in a good faith effort to resolve the motion.

(2) ~~*Certification*~~*Certificate*. At the end of the motion and under the heading "Local Rule 3.01(g) ~~Certification~~Certificate," the movant:

(A) must certify that the movant has conferred with the opposing party,

(B) must state whether the parties agree on the resolution of all or part of the motion, and

(C) if the motion is opposed, must explain the means by which the conference occurred.

(3) *Unavailability.* If the opposing party is unavailable before the motion's filing, the movant after filing must try diligently for three days to contact the opposing party. Promptly after either contact or expiration of the three days, the movant must supplement the motion with a statement certifying whether the parties have resolved all or part of the motion. Failure to timely supplement can result in denial of the motion without prejudice. The purposeful evasion of a communication under this rule can result in a sanction.

(h) NO INCORPORATION BY REFERENCE. A motion, other legal memorandum, or brief may not incorporate by reference all or part of any other motion, legal memorandum, or brief.

~~(g)~~(i) ORAL ARGUMENT OR EVIDENTIARY HEARING. A party must request oral argument or an evidentiary hearing in a separate document accompanying the party's motion or response and stating the time necessary.

~~(h)~~(j) SUPPLEMENTAL AUTHORITY. After filing a legal memorandum but before a decision, a party identifying a supplemental authority that is not merely cumulative may file — without argument or comment — a notice of supplemental authority that contains only:

(1) a citation of the authority;

(2) a specification by page, paragraph, and line of the issue or argument in the earlier paper that the authority supplements; and

(3) a succinct quotation from the authority.

The notice must not include a copy of the authority unless the authority is not readily available and must not exceed two pages ~~inclusive of all parts~~.

~~(i)~~(k) NO PROPOSED ORDER. Unless otherwise permitted by these rules, no party in a civil action may submit a proposed judgment or other order without leave.

~~(j)~~(l) NO UNAUTHORIZED CORRESPONDENCE. A party must not use a letter, email, or the like to request relief or to respond to a request for relief.

Rule 3.02 Civil Case Management

(a) REQUIREMENTS. In every proceeding except a proceeding described in (d), the parties:

(1) must conduct the planning conference required by the Federal Rules of Civil Procedure in person, by telephone, or by comparable means and

(2) must file a case management report using the standard form from the clerk or the court's website.

(b) TIMING. The parties must file the case management report:

(1) within forty days after any defendant appears in an action originating in this court,

(2) within forty days after the docketing of an action removed or transferred to this court, or

(3) within seventy days after service on the United States attorney in an action against the United States, a United States agency, a United States officer or employee sued only in an official capacity, or a United States officer or employee sued in an individual capacity in connection with a duty performed on behalf of the United States.

(c) SCHEDULING ORDER. After consideration of the case management report, the judge must enter an order setting deadlines and scheduling the case for trial.

(d) EXCEPTIONS. These proceedings are excepted from the requirements in (a):

(1) an action in which the judge enters a special scheduling order at the outset;

(2) an action for review on an administrative record unless the action is under the Employee Retirement Income Security Act of 1974;

(3) a forfeiture action in rem arising under a federal statute;

(4) an application for habeas corpus or another proceeding to challenge a criminal conviction or sentence;

(5) a pro se action by a person in the custody of the United States, a state, or a state subdivision;

(6) an action to enforce or quash an administrative summons or subpoena;

(7) an action by the United States to recover benefit payments;

(8) an action by the United States to collect on a student loan guaranteed by the United States;

(9) a proceeding ancillary to a proceeding in another court;

(10) an action to confirm or enforce an arbitration award; and

(11) an appeal of an order or judgment by a bankruptcy judge.

Rule 3.03 Disclosure Statement

(a) ~~DISCLOSURE STATEMENT.~~ With the first appearance, each party in a civil action must file a disclosure statement using the standard form from the clerk or the court's website.

Rule 3.04 Notice of a Deposition or a Subpoena Duces Tecum

A deposition by oral examination or written questions and a subpoena duces tecum require fourteen days' written notice to the deponent or responding person.

Rule 3.05 Stipulations

For the judge to consider a stipulation, the party against whom the stipulation is asserted:

(a) must concede the existence of the stipulation,

(b) must have confirmed the stipulation in writing, or

(c) must have stipulated on the record, including during a deposition.

Rule 3.06 Final Pretrial Meeting and Statement

(a) FINAL PRETRIAL MEETING. At least fourteen days before either the final pretrial conference described in the Federal Rules of Civil Procedure or another deadline set by the judge, the parties must meet and in good faith:

(1) discuss settlement,

(2) discuss the efficient presentation of the evidence and the duration of the trial,

(3) stipulate to as many facts and resolve as many legal issues as possible,

(4) examine each exhibit, and

(5) exchange the name, address, and telephone number of each witness.

(b) FINAL PRETRIAL STATEMENT. At least seven days before either the final pretrial conference described in the Federal Rules of Civil Procedure or another deadline set by the judge, the parties must file a final pretrial statement that will govern the trial. The statement must contain:

(1) the basis for the court's jurisdiction,

(2) a concise statement of the action,

(3) a concise statement of each party's position,

(4) a list of each exhibit with a notation of each objection,

(5) a list of each witness by name only with a notation of:

(A) the likelihood the witness will testify and

(B) each objection to the witness's testifying,

(6) a list of each expert witness, with a notation of:

(A) the substance of the testimony and

(B) each objection to the witness's testifying,

(7) a breakdown of the type and amount of monetary damages,

(8) a list of each deposition offered in lieu of live testimony, unless the deposition is only for impeachment,

(9) a concise statement of each admitted fact,

(10) a concise statement of each agreed principle of law,

(11) a concise statement of each issue of fact without incorporating another paper,

(12) a concise statement of each issue of law without incorporating another paper,

(13) a list of each pending motion or other unresolved issue,

(14) a statement of the usefulness of further settlement discussions, and

(15) the signatures of trial counsel and any pro se party following this certificat~~cion~~: "In preparing this final pretrial statement, I have aimed for the just, speedy, and inexpensive resolution of this action."

Rule 3.07 Exhibits

(a) LABELING. Before a trial or an evidentiary hearing, each party must obtain exhibit labels from the clerk or the court's website and label each exhibit.

(b) LISTING. Before a trial or an evidentiary hearing, each party must deliver an exhibit list to each opposing party and deliver three copies of the exhibit list to the judge. The list must sequentially list and briefly describe each exhibit.

(c) PROVIDING IN ELECTRONIC FORM. At the end of a trial or an evidentiary hearing, each party must deliver to the clerk an electronic version of (1) each documentary, audio, or video exhibit and (2) a photograph or reproduction of each non-documentary tangible exhibit.

(d) MAINTAINING. During and after a trial or an evidentiary hearing, the clerk must maintain custody of each exhibit unless:

(1) a law enforcement agency or party retains custody of the exhibit because the exhibit is sensitive, dangerous, or of high value or

(2) the clerk temporarily releases the exhibit to a judge, a judge's staff, or a court reporter.

(e) DOCKETING. The clerk must enter into the electronic record:

(1) each documentary, audio, and video exhibit admitted into evidence during a trial or evidentiary hearing and

(2) a photograph or reproduction of each non-documentary tangible exhibit admitted into evidence during a trial or evidentiary hearing.

(f) EXCEPTION. Neither (c) nor (e) applies to pornography.

(g) RETRIEVING. Within ninety days after a case is closed and all appeals exhausted, the party who tendered a tangible exhibit must retrieve the exhibit from the clerk. The clerk may destroy a tangible exhibit not timely retrieved.

Rule 3.08 Continuance

(a) CONTENT OF A MOTION. A party must timely move for a continuance and explain in detail the reason a continuance is warranted and the effort to resolve any scheduling conflict.

(b) CLIENT CONSENT FOR A TRIAL CONTINUANCE. If requesting a trial continuance, trial counsel must certify the client consents to the continuance.

(c) "NOTICE OF UNAVAILABILITY" PROHIBITED. A lawyer or pro se party must not file a "notice of unavailability," "motion for protection," or a similar paper.

Rule 3.09 Notice of Resolution; Dismissal

(a) NOTICE. The parties must immediately file a notice after agreeing to resolve all or part of a civil action, even if the resolution is contingent or unwritten.

(b) DISMISSAL. When notified of an agreement to settle a civil action, a judge may dismiss the ~~case~~ action subject to the right of a party to move within a stated time to re-open the ~~case~~ action for entry of a stipulated final order or a judgment or for further proceedings.

Rule 3.10 Failure to Prosecute; Dismissal

A plaintiff's failure to prosecute diligently can result in dismissal if the plaintiff in response to an order to show cause fails to demonstrate due diligence and just cause for delay.

Rule 3.11 Disclosure in a Criminal Action

(a) GENERAL RULE. Before judgment in, or dismissal of, a criminal action, a lawyer or law enforcement agent directly or through a surrogate must not extrajudicially and publicly disclose information about the action if the disclosure will interfere with a fair trial or otherwise prejudice the administration of justice.

(b) EXAMPLES.

(1) A lawyer or law enforcement agent directly or through a surrogate must not extrajudicially and publicly disclose:

(A) the defendant's criminal record or information about the defendant's character or reputation except, if the defendant remains at large, information necessary to aid in apprehension or to warn the public;

(B) the existence, absence, or content of a confession, admission, or statement by the defendant;

(C) the defendant's performance on, or failure to submit to, a mental, physical, or other assessment;

(D) a witness's identity, testimony, or credibility unless the witness is a victim and the disclosure is lawful and ethical;

(E) the possibility of a guilty plea; or

(F) an opinion about the guilt of the defendant or the merit of the action.

(2) A lawyer or law enforcement agent directly or through a surrogate may request assistance and may extrajudicially and publicly disclose:

(A) the defendant's name, age, residence, occupation, and family status;

(B) the fact and circumstances of the arrest and a description of evidence seized;

(C) the substance of the charge;

(D) a public record;

(E) the status of the action; and

(F) the defendant's denial of the charge.

Rule 3.12 Discovery of Information from Probation and Pretrial Services

A subpoena or other means of compelling discovery of information in the custody, under the control, or within the knowledge of the probation office, pretrial services, a probation officer, or a pretrial services officer is invalid and requires no response except a prompt notice to the judge.

Chapter Four — Alternative Dispute Resolution

Rule 4.01 Mediation

Mediation is a settlement conference conducted by a qualified and neutral lawyer without testimony or a determination by the mediator of a question of fact or law.

Rule 4.02 Mediator

(a) ~~CERTIFICATION~~CERTIFICATE. The chief judge may certify, and withdraw the certificat~~ion~~e of, a lawyer's qualification as a mediator.

(b) QUALIFICATIONS. To qualify for a certificate~~certification~~ as a mediator, a lawyer must establish:

(1) membership for at least the last ten years in the bar of any state or the District of Columbia,

(2) membership in good standing in The Florida Bar and the Middle District bar, and

(3) completion of the Florida Supreme Court's certified-mediator training and a certificat~~ion~~e by the Florida Supreme Court of good standing as a circuit court mediator.

(c) DISQUALIFICATION. A party can disqualify a mediator under the same standard that governs disqualifying a federal judge.

(d) COMPENSATION. Unless the parties and the mediator agree otherwise, the parties must pay the mediator a reasonable fee, and must bear equally the cost of mediation. No mediator can charge a fee to, or accept anything of value from, a source other than the parties.

(e) PRO BONO REQUIREMENT. If asked by a judge, a mediator must conduct at least one mediation a year in which the judge determines that a party lacks the ability to pay the mediator.

Rule 4.03 Mediation Order

To refer an action or claim to mediation, the judge must enter an order that:

(a) designates the mediator or directs the parties to select a mediator and to notify the judge of the selection;

(b) establishes a mediation deadline;

(c) requires a lawyer to confirm a mediation date agreeable to the mediator and the parties and to notify the judge of the date;

(d) requires the attendance — in-person unless otherwise agreed by the parties — of lead counsel, the parties or a party's surrogate satisfactory to the mediator, and any necessary insurance carrier representative;

(e) notifies the parties that unexcused absence or departure from mediation is sanctionable;

(f) requires the mediator to report within seven days after mediation the result of the mediation and whether all required persons attended; and

(g) directs that the substance of the mediation is confidential and that no party, lawyer, or other participant is bound by, may record, or without the judge's approval may disclose any event, including any statement confirming or denying a fact — except settlement — that occurs during the mediation.

Chapter Five — Court Proceedings

Rule 5.01 Broadcasting, Recording, and Photographing

No one may broadcast, televise, record, or photograph a judicial proceeding, including a proceeding by telephone or video.

Rule 5.02 Jury Selection and Prohibition of Communication with a Juror

(a) SCOPE. In this rule, "party" includes the party's lawyer and anyone else acting in concert with, on behalf of, or at the behest of, the party.

(b) LIST OF PROSPECTIVE JURORS. The clerk must deliver a list of prospective jurors to each party immediately before jury selection. Each party must return the list to the clerk after the judge empanels the jury. No party may copy the list.

(c) RESEARCH OF A PROSPECTIVE JUROR. During jury selection, no party may use an electronic device to gather or transmit information about a prospective juror.

(d) COMMUNICATION WITH A JUROR.

(1) No party may communicate with a juror or respond to a juror's unsolicited communication during or after trial.

(2) A party and a juror must report promptly to the judge a request for communication between a party and a juror.

(3) To communicate with a juror, a party:

(A) must move for permission within fourteen days after the verdict unless the party shows good cause for delay,

(B) must identify in the motion the juror and the need for the communication, and

(C) must abide by any condition the judge imposes, including on the place, manner, and scope of, and the participants in, the communication.

Rule 5.03 Courtroom Decorum

(a) PURPOSE. This rule prescribes minimum requirements of courtroom decorum and supplements the Code of Professional Responsibility and the Rules Regulating The Florida Bar.

(b) MINIMUM REQUIREMENTS FOR LAWYERS, PARTIES, AND OTHER OBSERVERS. When in court, a person:

(1) must stand, if able, when court is opened, recessed, and adjourned;

(2) must stand, if able, when the jury enters and leaves the courtroom;

(3) must refrain from any gesture, expression, comment, or noise that manifests approval or disapproval;

(4) must not wear clothing intended or likely to influence or distract a juror;

(5) must keep an electronic device on silent mode;

(6) if at counsel table, must use an electronic device only for the matter under consideration; and

(7) must not eat or drink anything except water.

(c) ADDITIONAL REQUIREMENTS FOR LAWYERS AND PRO SE PARTIES. When in court, a lawyer and a pro se party:

(1) must stand, if able, when addressing, or being addressed by, the judge;

(2) must hand the courtroom deputy a document offered for the judge's examination;

(3) must stand, if able, behind the lectern when presenting the opening statement or the closing argument or when examining a witness unless approaching the witness or the courtroom deputy with an exhibit or approaching a demonstrative exhibit;

(4) must not echo a witness's answer when examining the witness;

(5) must state only the legal basis for an objection unless the judge requests elaboration;

(6) must not offer or request a stipulation within the hearing of the jury;

(7) must address only the judge when commenting, inquiring, or arguing;

(8) must refrain from any display of animosity toward anyone in the courtroom, including a lawyer, litigant, or witness;

(9) must refer to a person by the person's title and surname (for example, Ms. Smith or Dr. Robinson) or case designation (for example, "the plaintiff," "the defendant," or "the witness");

(10) must call the judge "Judge [Last Name]" or "Your Honor"; and

(11) in an opening statement and a closing argument:

(A) must not express personal knowledge or opinion and

(B) must not suggest that the jury can or should request a transcript.

(d) ADDITIONAL REQUIREMENTS FOR LAWYERS ONLY. When in court, a lawyer:

(1) must ensure a client and witness know and observe this rule and

(2) must limit examination or cross-examination of a witness to one lawyer for each party and ensure the lawyer who objects during direct examination of a witness is the same lawyer who cross-examines the witness.

(e) PROCEEDING BY TELEPHONE OR VIDEO. If a judge conducts a proceeding by telephone or video, a participant:

(1) must dress in professional attire and use a professional background if either is visible,

(2) must use a landline if available,

(3) must designate one speaker for each party or interested person,

(4) must not participate from a vehicle,

(5) must use the mute setting when not speaking,

(6) must try to avoid background noise or other interference,

(7) must wait for the judge to address the participant before speaking and must not interrupt a speaker, and

(8) must start each distinct presentation by saying "this is [name]" or the equivalent.

Chapter Six — Special Proceedings

Rule 6.01 Temporary Restraining Order

(a) MOTION. A motion for a temporary restraining order must include:

(1) "Temporary Restraining Order" in the title;

(2) specific facts — supported by a verified complaint, an affidavit, or other evidence — demonstrating an entitlement to relief;

(3) a precise description of the conduct and the persons subject to restraint;

(4) a precise and verified explanation of the amount and form of the required security;

(5) a supporting legal memorandum; and

(6) a proposed order.

(b) LEGAL MEMORANDUM. The legal memorandum must establish:

(1) the likelihood that the movant ultimately will prevail on the merits of the claim,

(2) the irreparable nature of the threatened injury and the reason that notice is impractical,

(3) the harm that might result absent a restraining order, and

(4) the nature and extent of any public interest affected.

(c) SERVICE. Immediately after the order resolving the motion, the movant, even if unsuccessful, must serve on the party the movant sought to restrain:

(1) the summons;

(2) the complaint;

(3) the temporary restraining order or the bond or both, if issued;

(4) each motion, brief, affidavit, exhibit, proposed order, or other paper submitted to support the motion for the temporary restraining order;

(5) each additional paper the moving party will submit to support converting the temporary restraining order into a preliminary injunction; and

(6) a notice of any hearing.

Rule 6.02 Preliminary Injunction

(a) MOTION. A motion for a preliminary injunction:

(1) must include "Preliminary Injunction" in the title but otherwise must comply with Local Rule 6.01(a) and (b) and

(2) must include as an attachment each paper on which the movant relies.

(b) NOTICE. The movant must notify each affected party as soon as practical unless the movant establishes by clear and convincing evidence an extraordinary circumstance not requiring notice.

(c) RESPONSE. A party opposing the motion must include in the response a legal memorandum and each paper on which the party relies.

(d) AMENDMENT. No party may amend a motion or response without leave. A motion requesting leave must not include the proposed amendment.

Rule 6.03 In Forma Pauperis Action

(a) DOCKETING, ASSIGNMENT, AND JUDICIAL REVIEW. The clerk must docket, assign, and submit to a judge for preliminary review a motion for leave to proceed in forma pauperis. The judge must authorize the action before the clerk issues process and before a party requests waiver of service of process. Before authorization, no party or other person must respond to any paper, except a court order.

(b) DEDUCTION FROM RECOVERY. If represented by an appointed lawyer, an in forma pauperis party consents to an order deducting from any recovery a reasonable attorney's fee, costs, and reasonably necessary expenses.

Rule 6.04 Action by a Person in Custody

(a) REQUIRED FORM. A pro se person in custody must use the standard form — available without charge from the clerk and on the court's website — to file:

(1) an application under 28 U.S.C. § 2241,

(2) an application under 28 U.S.C. § 2254 or a motion under 28 U.S.C. § 2255, or

(3) a complaint, such as a 42 U.S.C. § 1983 complaint, that alleges a violation of the United States Constitution or other federal law by a governmental official.

(b) FEE. In an in forma pauperis action by a person in custody, the judge can order the person to pay the clerk's and the marshal's fee. Failure to pay can result in dismissal of the action.

Rule 6.05 Habeas Action Challenging a Death Sentence

(a) SCOPE. This rule governs a habeas corpus action under 28 U.S.C. § 2254 challenging a death sentence.

(b) APPENDIX. Florida's attorney general must electronically file an appendix containing a complete copy of the state court record, including:

(1) the pretrial proceedings,

(2) the guilt phase,

(3) the penalty phase,

(4) the sentencing, and

(5) the direct state court appeal and collateral proceedings, including the appeal of orders on post-trial motions.

(c) SUPPLEMENTAL APPENDIX. Florida's attorney general must file a supplemental appendix that includes any part of the state court record unavailable when the appendix was filed.

(d) MASTER INDEX. With the appendix and each supplemental appendix, Florida's attorney general:

(1) must electronically file a master index and

(2) must electronically bookmark the first page of each document and in the bookmark:

(A) must identify the title of each exhibit,

(B) must identify the location of the first page of each document in the CM/ECF record, and

(C) must cross-reference each bookmark to the corresponding item on the index.

(e) PAPER COPY. Florida's attorney general must bind by volume and promptly deliver to the proper division a tabbed paper copy of the index, the appendix, and each supplemental appendix. The tabs must correspond to the index.

(f) ACTIVE DEATH WARRANT. When a death warrant is active but absent an action under 28 U.S.C. § 2254:

(1) the judge can appoint counsel and set a deadline for filing the action,

(2) Florida's attorney general must comply with (e) within seven days after the warrant issues, and

(3) if the conviction or sentence is challenged in state court after the warrant issues, Florida's attorney general must comply with (e) within seven days after the conclusion of the proceedings in each of the state circuit court, the Florida Supreme Court, and the United States Supreme Court.

Rule 6.06 Marshal's Deed and a Coast Guard Bill of Sale

The marshal must issue a marshal's deed or a Coast Guard bill of sale promptly after confirmation of the sale but not sooner than fourteen days after the sale and not before resolution of each objection to the sale.

Chapter Seven — Miscellaneous Rules

Rule 7.01 Attorney's Fee and Expenses

(a) BIFURCATED PROCEDURE. Except in a social security action, a party claiming a post-judgment attorney's fee and related non-taxable expenses must obtain an order determining entitlement before providing a supplemental motion on amount.

(b) MOTION ON ENTITLEMENT. Within fourteen days after entry of judgment, the party claiming fees and expenses must request a determination of entitlement in a motion that:

(1) specifies the judgment and the statute, rule, or other ground entitling the movant to the award,

(2) states the amount sought or provides a fair estimate of the amount sought, and

(3) includes a memorandum of law.

(c) SUPPLEMENTAL MOTION ON AMOUNT. Within forty-five days after the order determining entitlement, the party claiming fees and expenses must file a supplemental motion that:

(1) describes the meet-and-confer effort but preserves any confidential settlement communication;

(2) specifies the resolved and unresolved issues;

(3) includes a memorandum of law on any disputed issue;

(4) includes for any disputed rate or hour:

(A) the timekeeper's identity, experience, and qualification;

(B) the timekeeper's requested hours;

(C) each task by the timekeeper during those hours;

(D) the timekeeper's requested rate;

(E) lead counsel's verification that counsel charges the rate requested, has reviewed each task, and has removed each charge for a task that is excessive, duplicative, clerical, or otherwise unreasonable;

(F) evidence showing the reasonableness of the rates based on the prevailing market rate in the division in which the action is filed for similar services by a lawyer of comparable skill, experience, and reputation; and

(5) includes for a disputed non-taxable expense:

(A) a receipt for, or other evidence of, the expense and

(B) lead counsel's verification that counsel incurred the expense.

(d) RESPONSE TO A SUPPLEMENTAL MOTION. A response to a supplemental motion on amount must detail the basis for each objection, including the identification by day and timekeeper of an unreasonable claim.

(e) ATTORNEY'S FEE IN A SOCIAL SECURITY ACTION AFTER REMAND. No later than fourteen days after receipt of a "close-out" letter, a lawyer requesting an attorney's fee, payable from withheld benefits, must move for the fee and include in the motion:

(1) the agency letter specifying the withheld benefits,

(2) any contingency fee agreement, and

(3) proof that the proposed fee is reasonable.

Rule 7.02 Electronics in a Courthouse

(a) PROHIBITION. No person may enter or remain in a courthouse with an electronic device, except:

(1) a member of The Florida Bar or a specially admitted lawyer;

(2) a person with a judge's order permitting passage with electronics;

(3) an employee who works in the courthouse, a lawyer who works for the United States, and a law enforcement officer on official business;

(4) an interpreter providing service under an active blanket purchase agreement and presenting a copy of the executed signature page of the agreement; and

(5) at a judge's discretion, a petit, ~~or~~ grand, or prospective juror ~~or member of the venire during service~~ if the person:

(A) stores the device in a designated place except during a break,

(B) uses the device only in a designated area or in the jury assembly room, and

(C) uses the device only for a matter unrelated to the case.

(b) INSPECTION. A device is subject to inspection anywhere in the courthouse.

(c) SHARING OR DELIVERY. A person must not share a device with, or deliver a device to, another person.

Rule 7.03 Court's Registry

(a) DEPOSIT. A motion for leave to deposit money in the court's registry:

(1) must state the amount of the deposit;

(2) must describe any dispute about ownership of, or entitlement to, the money;

(3) must specify whether the money is tendered for deposit in an interest-bearing account or a non-interest-bearing account; and

(4) must include a proposed order.

(b) DISBURSEMENT. A motion to disburse money from the court's registry:

(1) must identify each recipient of the disbursement,

(2) must propose a precise disbursement of both the principal and the accumulated interest, and

(3) must include a proposed order accounting for each fee or other charge against the deposit.

REFERENCE TABLE (CIVIL)

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