

Filed and Recorded in Official Records of  
**MONROE COUNTY KEVIN MADOK, CPA**

ADMINISTRATIVE ORDER: 2.083

IN RE:

ELECTRONIC FILING OF DOCUMENTS

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WHEREAS, the Chief Judge is charged by Rule 2.215(b)(2), Florida Rules of Judicial Administration to act as the administrative officer of the courts within the circuit; and

WHEREAS, Florida Rule of Judicial Administration 2.520 requires all documents filed in any court to be filed by electronic transmission in accordance with Florida Rule of Judicial Administration 2.525; and

WHEREAS, administrative procedures must be implemented in order to assist attorneys and litigants with electronic filing in the Sixteenth Judicial Circuit, IT IS THEREFORE ORDERED as follows:

A. GENERAL GUIDELINES

1. Except as otherwise provided in this Administrative Order, attorneys must e-file pleadings and papers in all divisions. When documents are e-filed, original documents are not to be filed with the Monroe County Clerk of Court ("Clerk") except as provided in this Administrative Order.
2. Pleadings and papers to be filed with the Court may only be submitted through the Florida Courts E-Filing Portal ("Portal") in accordance with Rule of General Practice and Judicial Administration 2.525 and the Florida Supreme Court Standards for Electronic Access to the Courts. Attorneys shall not e-mail the Court or the Clerk with pleadings or papers for filing.

B. ORIGINAL DOCUMENTS

1. Except for those documents specified in C, D, E and F below, when a rule, statute, or law requires an original document or a document containing an original signature to be maintained by Clerk in paper, such document will be filed or deposited with the Clerk in accordance with Florida Rules of Court.

2. Original documents also include any document for which an electronic signature has not been authorized by law or a document which requires a seal, raised embossment or has a tactile requirement.
3. Other than those documents specified in paragraph C, D, E and F below, a copy of an original document shall be e-filed with the Portal and followed up with the original filed with the Clerk. The Clerk is to note in the docket that the original was filed. Documents of this nature include:
  - a. Last Will and Testament
  - b. Pre-need Guardian Declaration
  - c. Original Notes and Mortgages
  - d. Documents ordered by the Court
  - e. Original documents required by law or rule of procedure

#### C. AFFIDAVITS

1. Copies of affidavits shall be e-filed.
2. The e-filed copy is to show to full scripted signatures as reflected on the original affidavit.
3. The original affidavit need only be filed or deposited with the Clerk if required by law or court order.
4. As a matter of best practices, the original affidavit should be maintained in the filer's possession for a minimum of one (1) year after final disposition and time for appeal of the case. E-filing a copy of the affidavit does not eliminate the potential need to present the original affidavit for evidentiary or record purposes.

#### D. RETURNS OF SERVICE

1. Copies of returns of service shall be e-filed.
2. The e-filed copy is to show the full scripted signatures as reflected on the original return of service.
3. The original return of service need only be filed or deposited with the Clerk if required by law or court order.
4. As a matter of best practices, the return of service should be maintained in the filer's possession for a minimum of one (1) year after final disposition and time for appeal of the case. E-filing a copy of the affidavit does not eliminate the potential need to present the original return of service for evidentiary or record purposes.

#### E. VERIFIED DOCUMENTS

1. Complaints and other pleadings, papers, or documents which are verified by an attorney, party, or person are to be e-filed and a paper copy shall not be filed with the Clerk except upon order of court.
2. Verified documents are to contain a full scripted signature and not an electronic signature such as /s, s/, or /s/.
3. The verified document need only be filed or deposited with the Clerk if required by law or court order.
4. As a matter of best practices, the verified document should be maintained in the filer's possession for a minimum of one (1) year after final disposition and time for appeal of the case. E-filing a copy of the verified document does not eliminate the potential need to present the original verified document for evidentiary or record purposes.

#### F. COURT ORDERED ORIGINAL PAPER FILINGS

1. Judges may require additional documents to be paper filed. The Clerk is directed to accept those paper filings based on an appropriate order from the Court.

#### G. MEMORANDA OF LAW

1. Memoranda of Law may be e-filed. Courtesy copies may be sent separately to the presiding judge in accordance with each individual judge's preference. Memoranda of Law shall not exceed the technical size limitations as set forth by the Florida Supreme Court and shall not exceed any page limitations as set forth by the presiding judge.

#### H. PAPER AND ELECTRONIC COPIES

1. The filer shall not provide the Clerk with a paper copy unless otherwise required by rule, statute, or court order.
2. Other than an original paper document that is required by rule, statute, or order to be maintained in the court file, the Clerk may follow Rule 2.525(c)(6), Florida Rules of Judicial Administration, with regard to the disposal of the paper document.
3. Electronic courtesy copies shall be sent to the judges' offices based on the presiding judge's instructions.

## I. NON-CONFORMING DOCUMENTS

1. Integrity of Court Record: Filers must ensure that e-filed documents are properly formatted, legible, and meet applicable Portal standards. Documents must also be rotated in the proper orientation to allow images to be viewed as intended.
2. Correspondence: Letters will not be made part of the court file unless ordered by the judge. The Clerk may reject any correspondence that does not have a court order or instructions that permit the filing. This includes a Notice of Filing Correspondence. The Clerk shall place the filing into the Portal Correction Queue and notify the filer that the document is not being accepted for filing. After proper notice to the filer, the Clerk shall follow the Florida Supreme Court Standards for Electronic Access to the Courts guidelines and place the filing in the Judicial Review Queue. Filings moved to this queue will not be placed in the court file absent a court order.
3. Proposed Orders/Proposed Judgments: Proposed orders and proposed judgments are not to be filed electronically or paper filed with the Clerk. This includes a Notice of Filing Proposed Order or Notice of Filing Proposed Judgment. If proposed orders, proposed judgments or other documents intended for entry by the Court are submitted through the Portal, the Clerk is directed to place the filing that contains those documents in the Portal Correction Queue and notify the filer that the document is not being accepted for filing and to refile the motion without the proposed order or proposed judgment. After proper notice to the filer, the Clerk shall follow the Florida Supreme Court Standards for Electronic Access to the Courts guidelines and place the filing in the Judicial Review Queue.
4. Wrong Jurisdiction/Invalid Case Number: The Clerk may reject documents that are e-filed in the wrong county or courthouse jurisdiction or with an invalid case number. The Clerk shall place the filing that contains those documents in the Portal Correction Queue and notify the filer that the document is not being accepted for filing. After proper notice to the filer, the Clerk shall follow the Florida Supreme Court Standards for Electronic Access to the Courts guidelines and place the filing in the Judicial Review Queue.
5. Corrupted Documents: Filings which are not accepted by the Portal and/or the Clerk for non-compatible settings or which are unreadable will be placed in the Portal Correction Queue. The Clerk shall notify the filer that the document is not being accepted for filing.
6. Final Disposition Forms: Form 1.998 requires the prevailing party, or the plaintiff if there is no prevailing party, to file a Final Disposition Form at the conclusion of the court proceeding. Final Disposition Forms filed prior to the conclusion of the matter will be placed into the Portal Correction Queue and the Clerk will notify the filer that the document is not being accepted for filing. After proper notice to the filer, the

Clerk shall follow the Florida Supreme Court Standards for Electronic Access to the Courts guidelines and place the filing in the Judicial Review Queue.

7. Non-Compliant Documents: Electronically filed documents which do not comply with the Florida Rules of Judicial Administration, the Florida Supreme Court's Administrative Orders or this Administrative Order and which have already not been addressed above, shall be placed in the Portal Correction Queue and the Clerk will notify the filer that the document is not being accepted for filing. After proper notice to the filer, the Clerk shall follow the Florida Supreme Court Standards for Electronic Access to the Courts guidelines and place the filing in the Judicial Review Queue.
8. Batched Documents: A pleading or paper uploaded to the Portal shall not be combined with another pleading or paper to form one document. Each e-filed document must be submitted as one distinct item. Filings which are not accepted by the Clerk as a result of multiple filings being "batched" together as one document, will be placed in the Portal Correction Queue. The Clerk will notify the filer that the filing was improperly batched.
9. Duplicate Filings:
  - a. Electronic and Paper Filings: If the Clerk is able to determine at the time of docketing that an e-filing is a duplicate of a pleading or document that was erroneously paper filed, the Clerk will docket with the notion "Duplicate Filing."
  - b. Electronic Replacement Filings: If after the Clerk notifies a filer that a filing was placed in the Portal Correction Queue and the filer, rather than correcting the filing, files a replacement document, the original filing will be moved from the Portal Correction Queue to the Judicial Queue in accordance with the Florida Supreme Court Standards for Electronic Access to the Courts guidelines.

## J. SIGNATURES

1. Except as provided above, the placement by an attorney or party or interested person of a "/s", "s/", or "/s/" or the placement of a signature on the signature line of an e-filed document shall be accepted as the signature and shall represent to the court that the filer is in possession of the originally executed document.
2. Signatures on verified pleadings and affidavits shall be in accordance with paragraphs D, E and F above.

## K. MULTIPLE CASES

1. If a single document is to be filed in two or more cases, the document must be submitted in a separate e-filing transaction for each case. If a document is e-filed with multiple case numbers, the Clerk will only docket the pleading under the case number referenced in the Portal.

## L. CONFIDENTIAL INFORMATION

1. In accordance with Rule of General Practice and Judicial Administration 2.420, each e-filed document must be reviewed by the filer to determine whether the document contains confidential or exempt information.
2. If the document contains information that is confidential or exempt, the document must be e-filed as a sealed document along with either a Notice of Confidential Information or a Motion to Determine Confidentiality of Court Record in the same transaction.
3. If the entire court file is maintained as confidential, the filer is not required to file an accompanying notice or motion.

## M. EMERGENCY MOTIONS AND DOCUMENTS TREATED AS EMERGENCIES

1. E-filed Emergency Motions. When an emergency motion or emergency document is e-filed, the filer shall flag the motion or document as an emergency by clicking on the emergency box in the Portal. The Clerk shall immediately email the emergency motion or emergency document to the presiding judge or duty judge's office. If the Clerk does not receive an electronic confirmation that the emergency filing was received within three (3) hours or by the end of business, whichever occurs first, then the clerk shall personally contact the Judge's Office to verify the emergency filing was received.
2. Paper Filed Emergency Motions. When an emergency motion or emergency document is filed in paper with the Clerk, the Clerk shall immediately scan in the emergency motion or emergency document and email it to the presiding judge or duty judge's office. If the Clerk does not receive an electronic confirmation that the emergency filing was received within three (3) hours or by the end of business, whichever occurs first, then the clerk shall personally contact the Judge's Office to verify the emergency filing was received.
3. The following will be deemed and treated as an emergency and will follow the procedures as set forth above in paragraphs 1 and 2:
  - a. The filer electronically files the motion and flags the motion as an emergency in the Portal system. The title of the pleading or paper shall also include the word "Emergency."

- b. The filer files the motion with the Clerk and titles the motion as “Emergency Motion.”
- c. The filer paper files or electronically files a Demand for Speedy Trial, Notice of Speedy Trial or Notice of Expiration of Speedy Trial.
- d. The filer paper files or electronically files a Writ of Habeas Corpus.
- e. The filer paper files or electronically files a Mandate returned by the Clerk of the District Court of Appeals or Florida Supreme Court or the Circuit Court files a Mandate to the County Court.
- f. Domestic Violence Injunctions
- g. Motions to Stay Issuance of Writs of Possession
- h. Motion to Cancel Foreclosure Sale

#### N. ACCESS BY COURT AND COURT STAFF TO UNREDACTED FILINGS

- 1. In accordance with In Re: Florida Rules of Judicial Administration, 124 So.3d 819 (Fla 2013), judges and court staff shall have access to unredacted images of e-filed or paper filed documents.

#### O. HARD COPY OF COURT FILES

- 1. The Court and Clerk agree to move forward cooperatively and expeditiously in accordance with Standard 4.1 the Florida Supreme Court Standards for Electronic Access to the Courts. Hard copies of court files, including individual documents contained therein, need not be maintained or provided by the Clerk after December 31, 2022, in all divisions except circuit criminal and county criminal. The tentative date for discontinuation of hard copies of court files in circuit criminal and county criminal is June 30, 2023.

#### P. ELECTRONIC ACCESS

- 1. The Clerk shall have images of filed pleadings and documents available for electronic viewing by the Court in Odyssey in the time period as set forth in the FCCC guidelines. Matters that are time sensitive must be treated as a priority. The Clerk shall continue to provide a direct link to the Court’s Judicial Viewer, ICMS.

#### Q. PRO HAC VICE

- 1. Attorneys who have received a Pro Hac Vice e-filing number are not permitted to appear or e-file in a case until an order of the Court granting appearance in the case has been entered.

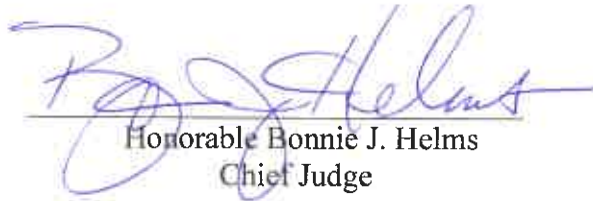
#### R. UNREPRESENTED LITIGANTS

- 1. Unrepresented litigants are not required to e-file any pleadings, papers or documents through the Portal and the Clerk shall continue to accept hard copy filings from such

litigants, However, an unrepresented litigant may opt into e-filing and e-service through the Portal by registering at <http://www.myfloridacourtaccess.com>

2. Unrepresented litigants may e-file pleadings and documents through the Portal in all divisions, but must comply with this Administrative Order and the rules of court governing e-filing.
3. In accordance with Rule of General Practice and Judicial Administration 2.515, a document e-filed by an unrepresented litigant must include a typographical signature of such person in the format of “/s”, “s/”, or “/s/” [NAME] pr a reproduction of the litigant’s signature. The filer must also include his or her address, telephone number including the area code and email address.

DONE AND ORDERED at Key West, Monroe County, Florida, this 14<sup>th</sup> day of December, 2022.

  
Honorable Bonnie J. Helms  
Chief Judge