Florida Rules of General Practice and Judicial Administration

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Effective 1-1-12:	73 So.3d 210.	Amended 2.505, 2.510, 2.525, 2.530. Adopted 2.526.
Effective 2-9-12:	121 So.3d 1.	Amended 2.205, 2.210, 2.215, 2.220, 2.225, 2.230, 2.235, 2.244.
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Effective 10-1-15:	176 So.3d 267.	Amended 2.560, Adopted 2.565.
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Effective 3-24-16:	190 So.3d 1053.	Amended 2.535.
Effective 4-16-16:	189 So.3d 141.	Amended 2.516 and 2.525.
Effective 4-21-16:	190 So.3d 1080.	Amended 2.240.

Effective 12-8-16:	206 So.3d 1.	Amended 2.560 and 2.565.
Effective 4-6-17:	214 So.3d 623.	Amended 2.305.
Effective 1-1-18:	226. So.3d 223.	Amended 2.140, 2.510, and 2.516.
Effective 1-19-18:	233 So.3d 1022.	Amended 2.420.
Effective 7-1-18:	244 So.3d 1005.	Amended 2.560 and 2.565.
Effective 7-6-18:	248 So.3d 1083.	Amended 2.205.
Effective 1-1-19:	257 So.3d 66.	Amended 2.514 and 2.516.
Effective 7-1-19:	44 FLW S189.	Amended 2.420. (Opinion adjustment; see 11-7-19.)
Effective 7-11-19:	276 So.3d 257.	Amended 2.230.
Effective 10-3-19.	280 So.3d 452.	Amended 2.420.
Effective 11-7-19.	284 So.3d 964.	Amended 2.420.
Effective 1-1-20.	285 So.3d 931.	Amended 2.240.
Effective 1-1-20.	288 So.3d 512.	Adopted 2.570.
Effective 3-13-20.	291 So.3d 899.	Amended 2.205.
Effective 4-1-20.	2020 WL 1593030.	Adopted 2.270 and 2.580.(Opinion adjustment; see 1-28-21.)
Effective 6-1-20.	289 So.3d 1264.	Amended 2.140.
Effective 7-2-20.	302 So.3d 873.	Amended 2.420.
Effective 9-10-20.	302 So.3d 315.	Amended 2.220.
Effective 1-28-21.	312 So.3d 445.	Amended 2.270 and 2.580.
Effective 1-28-21.	317 So.3d 1050.	Amended 2.140.
Effective 3-1-21.	310 So.3d 374.	Amended 2.110, 2.265, 2.330, 2.505, and 2.510.
Effective 7-1-21.	320 So.3d 626.	Amended 2.420.
Effective 10-28-21.	2021 WL 5050374.	Amended 2.140, 2.241, 2.420, 2.451, Judicial Branch Records Retention Schedule.
Effective 11-18-21.	334 So.3d 292.	Adopted 2.423.
Effective 2-7-22.	2021 WL 5832880.	Amended 2.510.
Effective 5-12-22.	SC22-521.	Amended 2.215.
Effective 9-1-2022	SC21-1601	Amended 2.240.
Effective 10-1-2022	SC21-990	Amended 2.256, 2.451, 2.515, 2.516, and 2.530; added 2.601, 2.602, and 2.603.
Effective 10-24-2022	AOSC22-78	Amendments to conform with the updated style guide.
Effective 11-17-2022	SC22-1387	Amended 2.420

NOTE TO USERS: Rules reflect all changes through SC21-1601 (9/1/2022). Subsequent amendments, if any, can be found at www.floridasupremecourt.org/decisions/rules.shtml.

PART I. GENERAL PROVISIONS

RULE 2.110. SCOPE AND PURPOSE

These rules, cited as "Florida Rules of General Practice and Judicial Administration" and abbreviated as "Fla. R. Gen. Prac. & Jud. Admin.," have been effect since 12:01 a.m. on July 1, 1979. They shall apply to administrative matters in all courts to which the rules are applicable by their terms. The rules shall be construed to secure the speedy and inexpensive determination of every proceeding to which they are applicable. These rules shall supersede all conflicting rules and statutes.

RULE 2.120. DEFINITIONS

The following terms have the meanings shown as used in these rules:

(a) Court Rule: A rule of practice or procedure adopted to facilitate the uniform conduct of litigation applicable to all proceedings, all parties, and all attorneys.

(b) Local Court Rule:

(1) A rule of practice or procedure for circuit or county application only that, because of local conditions, supplies an omission in or facilitates application of a rule of statewide application and does not conflict therewith.

(2) A rule that addresses other matters that are required by the Florida Constitution, general law, rules of court, or a supreme court opinion to be adopted by or in a local rule.

(c) Administrative Order: A directive necessary to administer properly the court's affairs but not inconsistent with the constitution or with court rules and administrative orders entered by the supreme court.

RULE 2.130. PRIORITY OF FLORIDA RULES OF APPELLATE PROCEDURE

The Florida Rules of Appellate Procedure shall control all proceedings in the supreme court and the district courts, and all proceedings in which the circuit courts exercise their appellate jurisdiction, notwithstanding any conflicting rules of procedure.

RULE 2.140. AMENDING RULES OF COURT

(a) Amendments Generally. The following procedure shall be followed for consideration of rule amendments generally other than those adopted under subdivisions (d), (e), (f), and (g):

(1) Suggestions for court rules, amendments to them, or abrogation of them may be made by any person.

(2) Rule suggestions shall be submitted to the clerk of the supreme court, the committee chair(s) of a Florida Bar committee listed in subdivision (a)(3), or the Bar staff liaison of The Florida Bar in writing and shall include a general description of the proposed rule change or a specified proposed change in content. The clerk of the supreme court shall refer proposals to the appropriate committee under subdivision (a)(3).

(3) The Florida Bar shall appoint the following committees to consider rule proposals: Civil Procedure Rules Committee, Criminal Procedure Rules Committee, Small Claims Rules Committee, Traffic Court Rules Committee, Appellate Court Rules Committee, Juvenile Court Rules Committee, Code and Rules of Evidence Committee, Rules of General Practice and Judicial Administration Committee, Probate Rules Committee, and Family Law Rules Committee.

(4) Each committee shall be composed of attorneys and judges with extensive experience and training in the committee's area of concentration. Members of the Rules of General Practice and Judicial Administration Committee shall also have previous rules committee experience or substantial experience in the administration of the Florida court system. The chair of each rules

committee shall appoint one of its members to the Rules of General Practice and Judicial Administration Committee to serve as a regular member of the Rules of General Practice and Judicial Administration Committee to facilitate and implement routine periodic reporting by and to the Rules of General Practice and Judicial Administration Committee on the development and progress of rule proposals under consideration and their potential impact on other existing or proposed rules. The members of each rules committee shall serve for 3-year staggered terms, except members appointed by a rules committee chair to the Rules of General Practice and Judicial Administration Committee who shall serve at the pleasure of the respective rules committee chairs. The president-elect of The Florida Bar shall appoint sitting members of each rules committee to serve as chair(s) and vice chair(s) for each successive year.

(5) The rules committees may originate proposals and shall regularly review and reevaluate the rules to advance orderly and inexpensive procedures for the administration of justice. The committees shall consider and vote on each proposal. The rules committees may accept or reject proposed amendments or may amend proposals. The rules committees shall prepare meeting agendas and minutes reflecting the status of rules proposals under consideration and actions taken. Copies of the minutes shall be furnished to the clerk of the supreme court, to the board of governors of The Florida Bar, and to the proponent of any proposal considered at the meeting. Each rules committee shall furnish promptly and timely to every other rules committee all meeting agendas and all minutes or other record of action taken.

(6) The Rules of General Practice and Judicial Administration Committee shall serve as the central rules coordinating committee. All committees shall provide a copy of any proposed rules changes to the Rules of General Practice and Judicial Administration Committee within 30 days of a committee's affirmative vote to recommend the proposed change to the supreme court. The Rules of General Practice and Judicial Administration Committee shall then refer all proposed rules changes to those rules committees that might be affected by the proposed change.

(7) Whenever the Rules of General Practice and Judicial Administration Committee receives a request to coordinate the submission of a single comprehensive report of proposed rule amendments on behalf of multiple rules committees, the general procedure shall be as follows:

(A) The subcommittee chairs handling the matter for each committee will constitute an ad hoc committee to discuss the various committees' recommendations and to formulate time frames for the joint response. The chair of the ad hoc committee will be the assigned Rules of General Practice and Judicial Administration Committee subcommittee chair.

(B) At the conclusion of the work of the ad hoc committee, a proposed joint response will be prepared by the ad hoc committee and distributed to the committee chairs for each committee's review and final comments.

(C) The Rules of General Practice and Judicial Administration Committee shall be responsible for filing the comprehensive final report.

(b) Rules Proposals.

(1) Each rules committee may report proposed rule changes to the supreme court whenever the committee determines rules changes are needed.

(2) Before filing a report of proposed rule changes with the supreme court, the committee report shall be furnished to the Speaker of the Florida House of Representatives, the President of the Florida Senate, and the chairs of the House and Senate committees as designated by the Speaker and the President, and published on the website of The Florida Bar and in *The Florida Bar News*. Any person desiring to comment upon proposed rule changes shall submit written comments to the appropriate committee chair(s) as provided in the notice. The committee shall consider any comments submitted. Any changes made shall be furnished to the Speaker of the Florida House of Representatives, the President of the Florida Senate, and the chairs of the House and Senate

committees as designated by the Speaker and the President, and published on the website of The Florida Bar and in *The Florida Bar News*. Any person desiring to comment thereafter shall submit written comments to the supreme court in accordance with subdivision (b)(6).

(3) After review of comments received and prior to the filing of a report by a committee, the board of governors shall consider the proposals and shall vote on each proposal to recommend acceptance, rejection, or amendment.

(4) The committee and the executive director of The Florida Bar shall file the report of the proposed rule changes with the supreme court. The committee may amend its recommendations to coincide with the recommendations of the board of governors or may decline to do so or may amend its recommendations in another manner. Any such amendments also shall be reported to the supreme court. The report and proposed rule changes must conform to the Guidelines for Rules Submissions approved by administrative order and posted on the websites of the supreme court and The Florida Bar. Consistent with the requirements that are fully set forth in the Guidelines, the report shall include:

(A) a list of the proposed changes, together with a detailed explanation of each proposal that includes a narrative description of how each amendment changes the language of the rule and a thorough discussion of the reason for each change;

(B) the final numerical voting record of the proposals in the committee;

(C) the name and address of the proponent of each change, if other than a member of the rules committee;

(D) a report of the action taken by the committee on comments submitted in accordance with subdivision (b)(2);

(E) a report of the action and voting record of the board of governors;

(F) any dissenting views of the committee and, if available, of the board; and

(G) an appendix containing all comments submitted to the committee, all relevant background documents, the proposed amendments in legislative format, and a two-column chart setting forth the proposed changes in legislative format in the left column and a brief summary of the explanation of each change given in the report in the right column.

The report and the proposed rule changes shall be filed with the supreme court in an electronic format approved by the supreme court.

(5) If oral argument is deemed necessary, the supreme court shall establish a date for oral argument on the proposals. Notice of the oral argument on the proposals and a copy of the proposals shall be furnished to the affected committee chair(s) and vice chair(s), the executive director and staff liaison of The Florida Bar, all members of the Judicial Management Council, the clerk and chief judge of each district court of appeal, the clerk and chief judge of each judicial circuit, the Speaker of the Florida House of Representatives, the President of the Florida Senate, the chairs of the House and Senate committees as designated by the Speaker and the President, and any person who has asked in writing filed with the clerk of the supreme court for a copy of the notice. The clerk may provide the notice electronically. The recommendations or a resume of them shall be published on the websites of the supreme court and The Florida Bar and in *The Florida Bar News* before the oral argument or consideration of the proposals without oral argument. Notice of the oral argument, if scheduled, shall also be published on the website of the supreme court.

(6) Within the time allowed for comments set by the supreme court, any person may file comments concerning the proposals. All comments and other submissions by interested persons shall be filed with the clerk of the supreme court and served on the chair(s) of the appropriate rules committee, the Bar staff liaison, and on the proponent of the rule change if other than a member of the rules committee. The chair(s) of the rules committee

and the executive director of The Florida Bar shall file a response to all comments within the time period set by the court. All comments and other submissions regarding the rule change proposals shall be filed in an approved electronic format with the supreme court. As soon as practicable after the date of filing, the clerk of the supreme court shall publish on the website of the supreme court all comments and the responses of the chair(s) of the rules committee that have been filed concerning the proposals. All requests or submissions by a rules committee made in connection with a pending rule change proposal shall be filed with the clerk of the supreme court and thereafter published by the clerk of the supreme court on the websites of the supreme court and The Florida Bar.

(7) Rules changes adopted by the court shall be made effective either July 1 of the year of their adoption or January 1 of the year following their adoption or on such other date as may be requested by the committee or set by the court. The supreme court may permit motions for rehearing to be filed on behalf of any person who filed a comment, The Florida Bar, any bar association, and the affected committee.

(c) Rejected Proposals. If a committee rejects a proposal, the proponent may submit the proposed rule to the board of governors and shall notify the chair(s) and vice chair(s) of the affected committee of the submission of the proposed rule to the board of governors. Minority reports of committees are allowed and may be submitted to both the board of governors and the supreme court.

(d) Amendments by Court. The supreme court, with or without notice, may change court rules, on its own motion, at any time without reference to a rules committee for recommendations. The rule changes must conform to the Rules Style Guide contained in the Guidelines for Rules Submissions approved by administrative order and posted on the websites of the supreme court and The Florida Bar. The change may become effective immediately or at a future time. In either event, the court shall give notice of and fix a date for further consideration of the change. Any person may file comments concerning the change, seeking its abrogation or a delay

in the effective date, in accordance with the procedures set forth in subdivision (b)(6). The court may allow oral argument on the proposal or change. Notice of the oral argument, if scheduled, on the change and a copy of the change shall be furnished to the affected committee chair(s) and vice chair(s), the executive director and staff liaison of The Florida Bar, all members of the Judicial Management Council, the clerk and chief judge of each district court of appeal, the clerk and chief judge of each judicial circuit, the Speaker of the Florida House of Representatives, the President of the Florida Senate, the chairs of the House and Senate committees as designated by the Speaker and the President, and any person who has asked in writing filed with the clerk of the supreme court for a copy of the notice. The clerk may provide the notice electronically. Notice of the change shall be published on the websites of the supreme court and The Florida Bar, and in The Florida Bar *News* either before or after the change is adopted. Notice of the oral argument, if scheduled, shall also be published on the website of the supreme court.

(e) Expedited Proposals and Proposals in Response to Legislative Changes by Rules Committees. If, in the opinion of a committee, a proposal warrants expedited consideration or a rule amendment is necessary due to changes in legislation, and the board of governors concurs, proposals may be made to the supreme court using the committee's fast-track procedures. The report and proposed rule changes may be filed without prior publication for comment and must conform to the Guidelines for Rules Submissions approved by administrative order and posted on the websites of the supreme court and The Florida Bar. The rules committees' fast-track procedures shall be used to address legislative changes to ensure that ordinarily any resulting proposed rule amendments can be adopted by the court before the effective date of the legislation. If the court agrees that a proposal warrants expedited consideration or a rule change is necessary due to a legislative change, the court may publish the rule amendment for comment after adopting it or may set a time for oral argument or for consideration of the proposal without oral argument. Notice of the oral argument on the proposals, if scheduled before or after adoption, and a copy of the proposals shall be furnished to the

affected committee chair(s) and vice chair(s), the executive director and the staff liaison of The Florida Bar, all members of the Judicial Management Council, the clerk and chief judge of each district court of appeal, the clerk and chief judge of each judicial circuit, the Speaker of the Florida House of Representatives, the President of the Florida Senate, the chairs of the House and Senate committees as designated by the Speaker and the President, and any person who has asked in writing filed with the clerk of the supreme court for a copy of the notice. The clerk may provide the notice electronically. Prior to or after their adoption, the recommendations or a resume of them shall be published on the websites of the supreme court and The Florida Bar, and in The Florida Bar *News*. Any person may file comments concerning the changes, in accordance with the procedures set forth in subdivision (b)(6). Notice of the oral argument, if scheduled, shall also be published on the website of the supreme court.

(f) Request by Court. The supreme court may refer a specific rules proposal or issue to a rules committee for consideration and may require the committee to report its recommendation with the recommendations of the board of governors. All requests or submissions by a rules committee made in connection with a request under this subdivision shall be filed with or submitted to the clerk of the supreme court as provided in this subdivision.

(1) *Recommended Rule Changes.* A rule change recommended in response to a request under this subdivision shall be reported to the supreme court in accordance with subdivision (b), unless the court directs or the committee determines and the board of governors agrees that a proposed rule change warrants expedited consideration. If a recommended change warrants expedited consideration, the subdivision (e) procedures shall apply. A report filed under this subdivision shall state that it is filed in response to a request by the court under this subdivision.

(2) *No Action Recommendations.* If the court refers a matter to a rules committee for consideration only and does not direct the committee to propose a rule change, and after

considering the matter referred the committee determines that no rule change is warranted, the committee shall submit a "no action report" to the court explaining its recommendation that no rule change is needed. A no action recommendation should not be included in a report proposing rule changes filed under any other subdivision of this rule. After the court considers the recommendation, the clerk shall notify the rules committee chair(s) and the executive director and the staff liaison of The Florida Bar whether any further action is required of the committee.

(g) Amendments to the Rules of General Practice and Judicial Administration.

(1) *Amendments Without Referral to Rules Committee.* Changes to the Rules of General Practice and Judicial Administration contained in Part II, State Court Administration, of these rules, and rules 2.310, and 2.320, contained in Part III, Judicial Officers, generally will be considered and adopted by the supreme court without reference to or proposal from the Rules of General Practice and Judicial Administration Committee. The supreme court may amend rules under this subdivision at any time, with or without notice. If a change is made without notice, the court shall fix a date for future consideration of the change and the change shall be published on the websites of the supreme court and The Florida Bar, and in The Florida Bar *News*. Any person may file comments concerning the change, in accordance with the procedures set forth in subdivision (b)(6). The court may hear oral argument on the change. Notice of the oral argument on the change, if scheduled, and a copy of the change shall be provided in accordance with subdivision (d).

(2) *Other Amendments.* Amendments to all other Rules of General Practice and Judicial Administration shall be referred to or proposed by the Rules of General Practice and Judicial Administration Committee and adopted by the supreme court as provided in subdivisions (a), (b), (c), (d), (e), and (f).

(h) Local Rules Proposed by Trial Courts. The foregoing procedure shall not apply to local rules proposed by a majority of circuit and county judges in the circuit. The chief justice of the

supreme court may appoint a Local Rule Advisory Committee to consider and make recommendations to the court concerning local rules and administrative orders submitted pursuant to rule 2.215(e).

Committee Notes

1980 Amendment. Rule 2.130 [renumbered as 2.140 in 2006] is entirely rewritten to codify the procedures for changes to all Florida rules of procedure as set forth by this court in *In re Rules of Court: Procedure for Consideration of Proposals Concerning Practice and Procedure*, 276 So.2d 467 (Fla.1972), and to update those procedures based on current practice. The Supreme Court Rules Advisory Committee has been abolished, and the Local Rules Advisory Committee has been established.

PART II. STATE COURT ADMINISTRATION

RULE 2.205. THE SUPREME COURT

(a) Internal Government.

(1) *Exercise of Powers and Jurisdiction.*

(A) The supreme court shall exercise its powers, including establishing policy for the judicial branch, and jurisdiction en banc. Five justices shall constitute a quorum and the concurrence of 4 shall be necessary to a decision. In cases requiring only a panel of 5, if 4 of the 5 justices who consider the case do not concur, it shall be submitted to the other 2 justices.

(B) Consistent with the authority of the supreme court to establish policy, including recommending state budget and compensation priorities for the judicial branch, no judge, supreme court created committee, commission, task force, or similar group, and no conference (Conference of District Court of Appeal Judges, Conference of Circuit Court Judges, Conference of County Court Judges) is permitted to recommend to any legislative or executive

branch entity state budget priorities, including compensation and benefits that have not been approved by the supreme court, or any policy inconsistent with a policy adopted by the supreme court. This subdivision is not intended to apply to judges expressing their personal views who affirmatively state that they are not speaking on behalf of the judicial branch. No resources of any judicial branch entity may be used to facilitate or support the expression of such personal views.

(C) Newly created judicial branch commissions, committees, task forces, work groups, and similar study or advisory groups must be established by the supreme court, not solely by the chief justice. Such study or advisory groups may be created and charged by rule adopted by the court, or by administrative order issued by the chief justice in accordance with court action. Members of such groups shall be appointed by administrative order of the chief justice, after consultation with the court. When practicable, ad hoc committees and other ad hoc study or advisory groups, which should be used to address specific problems, shall be established under the umbrella of an existing committee or commission, which should be used to address long-term problems.

(2) *Chief Justice.*

(A) The chief justice shall be chosen by majority vote of the justices for a term of 2 years commencing on July 1, 2012. The selection of the chief justice should be based on managerial, administrative, and leadership abilities, without regard to seniority only. A chief justice may serve successive terms limited to a total of 8 years. The chief justice may be removed by a vote of 4 justices. If a vacancy occurs, a successor shall be chosen promptly to serve the balance of the unexpired term.

(B) The chief justice shall be the administrative officer of the judicial branch and of the supreme court and shall be responsible for the dispatch of the business of the branch and of the court and direct the implementation of policies and priorities as determined by the supreme court for the operation of the branch and of the court. The administrative powers and duties of the chief justice shall include, but not be limited to:

(i) the responsibility to serve as the primary spokesperson for the judicial branch regarding policies and practices that have statewide impact including, but not limited to, the judicial branch's management, operation, strategic plan, legislative agenda and budget priorities;

(ii) the power to act on requests for stays during the pendency of proceedings, to order the consolidation of cases, to determine all procedural motions and petitions relating to the time for filing and size of briefs and other papers provided for under the rules of this court, to advance or continue cases, and to rule on other procedural matters relating to any proceeding or process in the court;

(iii) the power to assign active or retired county, circuit, or appellate judges or justices to judicial service in this state, in accordance with subdivisions (a)(3) and (a)(4) of this rule;

(iv) the power, upon request of the chief judge of any circuit or district, or sua sponte, in the event of natural disaster, civil disobedience, or other emergency situation requiring the closure of courts or other circumstances inhibiting the ability of litigants to comply with deadlines imposed by rules of procedure applicable in the courts of this state, to enter such order or orders as may be appropriate to suspend, toll, or otherwise grant relief from time deadlines imposed by otherwise applicable statutes and rules of procedure for such period as may be appropriate, including, without limitation, those affecting speedy trial procedures in criminal and juvenile proceedings, all civil process and proceedings, and all appellate time limitations;

(v) the power, upon request of the chief judge of any circuit or district, or sua sponte, in the event of a public health emergency that requires mitigation of the effects of the emergency on the courts and court participants, to enter such order or orders as may be appropriate; suspend, extend, toll, or otherwise change time deadlines or standards, including, without limitation, those affecting speedy trial procedures in criminal and juvenile proceedings; suspend the application of or modify other

requirements or limitations imposed by rules of procedure, court orders, and opinions, including, without limitation, those governing the use of communication equipment and proceedings conducted by remote electronic means; and authorize temporary implementation of procedures and other measures, including, without limitation, the suspension or continuation of civil and criminal jury trials and grand jury proceedings, which procedures or measures may be inconsistent with applicable requirements, to address the emergency situation or public necessity;

(vi) the authority to directly inform all judges on a regular basis by any means, including, but not limited to, email on the state of the judiciary, the state of the budget, issues of importance, priorities and other matters of stateside interest; furthermore, the chief justice shall routinely communicate with the chief judges and leaders of the district courts, circuit and county court conferences by the appropriate means;

(vii) the responsibility to exercise reasonable efforts to promote and encourage diversity in the administration of justice; and

(viii) the power to perform such other administrative duties as may be required and which are not otherwise provided for by law or rule.

(C) The chief justice shall be notified by all justices of any contemplated absences from the court and the reasons therefor. When the chief justice is to be temporarily absent, the chief justice shall select the justice longest in continuous service as acting chief justice.

(D) If the chief justice dies, retires, or is unable to perform the duties of the office, the justice longest in continuous service shall perform the duties during the period of incapacity or until a successor chief justice is elected.

(E) The chief justice shall meet on a regular basis with the chief judges of the district courts and the chief judges of the circuit courts to discuss and provide feedback for

implementation of policies and practices that have statewide impact including, but not limited to, the judicial branch's management, operation, strategic plan, legislative agenda and budget priorities. Such meetings shall, if practicable, occur at least quarterly and be conducted in-person. At the discretion of the chief justice, any of these meetings may be combined with other judicial branch and leadership meetings and, where practicable include the justices of the supreme court.

(3) *Administration.*

(A) The chief justice may, either upon request or when otherwise necessary for the prompt dispatch of business in the courts of this state, temporarily assign justices of the supreme court, judges of district courts of appeal, circuit judges, and judges of county courts to any court for which they are qualified to serve. Any consenting retired justice or judge may be assigned to judicial service and receive compensation as provided by law.

(B) For the purpose of judicial administration, a "retired judge" is defined as a judge not engaged in the practice of law who has been a judicial officer of this state. A retired judge shall comply with all requirements that the supreme court deems necessary relating to the recall of retired judges.

(C) When a judge who is eligible to draw retirement compensation has entered the private practice of law, the judge may be eligible for recall to judicial service upon cessation of the private practice of law and approval of the judge's application to the court. The application shall state the period of time the judge has not engaged in the practice of law, and must be approved by the court before the judge shall be eligible for recall to judicial service.

(D) A "senior judge" is a retired judge who is eligible to serve on assignment to temporary judicial duty.

(4) *Assignments of Justices and Judges.*

(A) When a justice of the supreme court is unable to perform the duties of office, or when necessary for the prompt dispatch of the business of the court, the chief justice may assign to the court any judge who is qualified to serve, for such time as the chief justice may direct. However, no retired justice who is eligible to serve on assignment to temporary judicial duty or other judge who is qualified to serve may be assigned to the supreme court, or continue in such assignment, after 7 sitting duly sworn justices are available and able to perform the duties of office.

(B) When a judge of any district court of appeal is unable to perform the duties of office, or when necessary for the prompt dispatch of the business of the court, the chief judge shall advise the chief justice and the chief justice may assign to the court any judge who is qualified to serve, for such time or such proceedings as the chief justice may direct.

(C) When any circuit or county judge is unable to perform the duties of office, or when necessary for the prompt dispatch of the business of the court, the chief judge of the circuit may assign any judge in the circuit to temporary service for which the judge is qualified, in accordance with rule 2.215. If the chief judge deems it necessary, the chief judge may request the chief justice to assign a judge to the court for such time or such proceedings as the chief justice may direct.

(b) Clerk.

(1) *Appointment.* The supreme court shall appoint a clerk who shall hold office at the pleasure of the court and perform such duties as the court directs. The clerk's compensation shall be fixed by law. The clerk's office shall be in the supreme court building. The clerk shall devote full time to the duties of the office and shall not engage in the practice of law while in office.

(2) *Custody of Records, Files, and Seal.* All court records and the seal of the court shall be kept in the office and the custody of the clerk. The clerk shall not allow any court record to be taken from the clerk's office or the courtroom, except by a justice of the court or upon the order of the court.

(3) *Records of Proceedings.* The clerk shall keep such records as the court may from time to time order or direct. The clerk shall keep a docket or equivalent electronic record of all cases that are brought for review to, or that originate in, the court. Each case shall be numbered in the order in which the notice, petition, or other initial pleading originating the cause is filed in the court.

(4) *Filing Fee.* In all cases filed in the court, the clerk shall require the payment of a fee as provided by law when the notice, petition, or other initial pleading is filed. The payment shall not be exacted in advance in appeals in which a party has been adjudicated insolvent for the purpose of an appeal or in appeals in which the state is the real party in interest as the moving party. The payment of the fee shall not be required in habeas corpus proceedings, or appeals therefrom, arising out of or in connection with criminal actions.

(5) *Issuance and Recall of Mandate; Recordation and Notification.* The clerk shall issue such mandates or process as may be directed by the court. If, within 120 days after a mandate has been issued, the court directs that a mandate be recalled, then the clerk shall recall the mandate. Upon the issuance or recall of any mandate, the clerk shall record the issuance or recall in a book or equivalent electronic record kept for that purpose, in which the date of issuance or date of recall and the manner of transmittal of the process shall be noted. In proceedings in which no mandate is issued, upon final adjudication of the pending cause the clerk shall transmit to the party affected thereby a copy of the court's order or judgment. The clerk shall notify the attorneys of record of the issuance of any mandate, the recall of any mandate, or the rendition of any final judgment. The clerk shall furnish without charge to all attorneys of record in any cause a copy of any order or written opinion rendered in such action.

(6) *Return of Original Papers.* Upon the conclusion of any proceeding in the supreme court, the clerk shall return to the clerk of the lower court the original papers or files transmitted to the court for use in the cause.

(c) Librarian.

(1) *Appointment.* The supreme court shall appoint a librarian of the supreme court and such assistants as may be necessary. The supreme court library shall be in the custody of the librarian, but under the exclusive control of the court. The library shall be open to members of the bar of the supreme court, to members of the legislature, to law officers of the executive or other departments of the state, and to such other persons as may be allowed to use the library by special permission of the court.

(2) *Library Hours.* The library shall be open during such times as the reasonable needs of the bar require and shall be governed by regulations made by the librarian with the approval of the court.

(3) *Books.* Books shall not be removed from the library except for use by, or upon order of, any justice.

(d) Marshal.

(1) *Appointment.* The supreme court shall appoint a marshal who shall hold office at the pleasure of the court and perform such duties as the court directs. The marshal's compensation shall be fixed by law.

(2) *Duties.* The marshal shall have power to execute process of the court throughout the state and such other powers as may be conferred by law. The marshal may deputize the sheriff or a deputy sheriff in any county to execute process of the court and shall perform such clerical or ministerial duties as the court may direct or as required by law. Subject to the direction of the court, the marshal shall be custodian of the supreme court building and grounds.

(e) State Courts Administrator.

(1) *Appointment.* The supreme court shall appoint a state courts administrator who shall serve at the pleasure of the court and perform such duties as the court directs. The state courts administrator's compensation shall be fixed by law.

(2) *Duties.* The state courts administrator shall supervise the administrative office of the Florida courts, which shall be maintained at such place as directed by the supreme court; shall employ such other personnel as the court deems necessary to aid in the administration of the state courts system; shall represent the state courts system before the legislature and other bodies with respect to matters affecting the state courts system and functions related to and serving the system; shall supervise the preparation and submission to the supreme court, for review and approval, of a tentative budget request for the state courts system and shall appear before the legislature in accordance with the court's directions in support of the final budget request on behalf of the system; shall inform the judiciary of the state courts system's final budget request and any proposed substantive law changes approved by the supreme court; shall assist in the preparation of educational and training materials for the state courts system and related personnel, and shall coordinate or assist in the conduct of educational and training sessions for such personnel; shall assist all courts in the development of improvements in the system, and submit to the chief justice and the court appropriate recommendations to improve the state courts system; and shall collect and compile uniform financial and other statistical data or information reflective of the cost, workloads, business, and other functions related to the state courts system. The state courts administrator is the custodian of all records in the administrator's office.

(f) Open Sessions. All sessions of the court shall be open to the public, except proceedings designated as confidential by the court and conference sessions held for the discussion and consideration of pending cases, for the formulation of opinions by the court, and for the discussion or resolution of other matters related to the administration of the state courts system.

(g) Designation of Assigned Judges. When any judge of another court is assigned for temporary service on the supreme court, that judge shall be designated, as author or participant, by name and initials followed by the words "Associate Justice."

RULE 2.210. DISTRICT COURTS OF APPEAL

(a) Internal Government.

(1) *Exercise of Powers and Jurisdiction.* Three judges shall constitute a panel for and shall consider each case, and the concurrence of a majority of the panel shall be necessary to a decision.

(2) *Chief Judge.*

(A) The selection of a chief judge should be based on managerial, administrative, and leadership abilities, without regard to seniority only.

(B) The chief judge shall be the administrative officer of the court, and shall, consistent with branch-wide policies, direct the formation and implementation of policies and priorities for the operation of the court. The chief judge shall exercise administrative supervision over all judges and court personnel. The chief judge shall be responsible to the chief justice of the supreme court. The chief judge may enter and sign administrative orders. The administrative powers and duties of the chief judge include, but are not limited to, the power to order consolidation of cases, and to assign cases to the judges for the preparation of opinions, orders, or judgments. The chief judge shall have the authority to require all judges of the court, court officers and court personnel, to comply with all court and judicial branch policies, administrative orders, procedures, and administrative plans.

(C) The chief judge shall maintain liaison in all judicial administrative matters with the chief justice of the supreme court, and shall, considering available resources, ensure the efficient and proper administration of the court. The chief judge shall develop an administrative plan that shall include an administrative organization capable of effecting the prompt disposition of cases, the assignment of judges, other court officers, and court personnel, and the control of dockets. The administrative plan shall include a consideration of the statistical data developed by the case reporting system.

(D) All judges shall inform the chief judge of any contemplated absences that will affect the progress of the court's business. If a judge is temporarily absent, is disqualified in an action, or is unable to perform the duties of the office, the chief judge or the chief judge's designee may assign a matter pending before the judge to any other judge or any additional assigned judge of the same court. If it appears to the chief judge that the speedy, efficient, and proper administration of justice so requires, the chief judge shall request the chief justice of the supreme court to assign temporarily an additional judge or judges from outside the court to duty in the court requiring assistance, and shall advise the chief justice whether or not the approval of the chief judge of the court from which the assignment is to be made has been obtained. The assigned judges shall be subject to administrative supervision of the chief judge for all purposes of this rule. Nothing in this rule shall restrict the constitutional powers of the chief justice of the supreme court to make such assignments as the chief justice shall deem appropriate.

(E) The chief judge shall regulate the use of all court facilities, regularly examine the dockets of the courts under the chief judge's administrative supervision, and require a report on the status of the matters on the docket. The chief judge may take such action as may be necessary to cause the docket to be made current.

(F) The chief judge shall be chosen by a majority of the active judges of the court for a term commencing on July 1 of each odd-numbered year, and shall serve for a term of 2 years. A chief judge may serve for successive terms but in no event shall the total term as chief judge exceed 8 years. In the event of a vacancy, a successor shall be chosen promptly to serve the balance of the unexpired term. If the chief judge is unable to discharge these duties, the judge longest in continuous service or, as between judges with equal continuous service, the one having the longest unexpired term and able to do so, shall perform the duties of chief judge pending the chief judge's return to duty. Judges shall notify the chief judge of any contemplated absence from the court and the reasons therefor. A chief judge may be removed as chief judge by

the supreme court, acting as the administrative supervisory body of all courts, or by a two-thirds vote of the active judges.

(G) The failure of any judge to comply with an order or directive of the chief judge shall be considered neglect of duty and may be reported by the chief judge to the chief justice of the supreme court who shall have the authority to take such corrective action as may be appropriate. The chief judge may report the neglect of duty by a judge to the Judicial Qualifications Commission or other appropriate person or body, or take such other corrective action as may be appropriate.

(H) At the call of the chief justice, the chief judges of the circuit court and district courts of appeal shall meet on a regular basis and with each other and with the chief justice to discuss and provide feedback for implementation of policies and practices that have statewide impact including, but not limited to, the judicial branch's management, operation, strategic plan, legislative agenda and budget priorities. Such meetings shall, if practicable, occur at least quarterly and be conducted in person. At the discretion of the chief justice, any of these meetings may be combined with other judicial branch and leadership meetings.

(I) The chief judge shall have the responsibility to exercise reasonable efforts to promote and encourage diversity in the administration of justice.

(b) Clerk.

(1) *Appointment.* The court shall appoint a clerk who shall hold office at the pleasure of the court and perform such duties as the court directs. The clerk's compensation shall be fixed by law. The clerk's office shall be in the headquarters of the court. The clerk's time shall be devoted to the duties of the office and the clerk shall not engage in the private practice of law while serving as clerk. All court records and the seal of the court shall be kept in the office and the custody of the clerk. The clerk shall not allow any court record to be taken from the clerk's office or the courtroom, except by a judge of the court or upon order of the court.

(2) *Records of Proceedings.* The clerk shall keep such records as the court may from time to time order or direct. The clerk shall keep a docket or equivalent electronic record of all cases that are brought for review to, or that originate in, the court. Each case shall be numbered in the order that the notice, petition, or other initial pleading originating the proceeding is filed in the court.

(3) *Filing Fee.* In all cases filed in the court, the clerk shall require the payment of a fee as provided by law at the time the notice, petition, or other initial pleading is filed. The payment shall not be exacted in advance in appeals in which a party has been adjudicated insolvent for the purpose of an appeal or in appeals in which the state is the real party in interest as the moving party. The payment of the fee shall not be required in habeas corpus proceedings or appeals therefrom.

(4) *Issuance and Recall of Mandate; Recordation and Notification.* The clerk shall issue such mandates or process as may be directed by the court. If, within 120 days after a mandate has been issued, the court directs that a mandate be recalled, then the clerk shall recall the mandate. If the court directs that a mandate record shall be maintained, then upon the issuance or recall of any mandate the clerk shall record the issuance or recall in a book or equivalent electronic record kept for that purpose, in which shall be noted the date of issuance or the date of recall and the manner of transmittal of the process. In proceedings in which no mandate is issued, upon final adjudication of the pending cause the clerk shall transmit to the party affected thereby a copy of the court's order or judgment. The clerk shall notify the attorneys of record of the issuance of any mandate, the recall of any mandate, or the rendition of any final judgment. The clerk shall furnish without charge to all attorneys of record in any cause a copy of any order or written opinion rendered in such action.

(5) *Return of Original Papers.* The clerk shall retain all original papers, files, and exhibits transmitted to the court for a period of not less than 30 days after rendition of the opinion or order denying any motion pursuant to Florida Rule of Appellate Procedure 9.330, whichever is later. If no discretionary review

proceeding or appeal has been timely commenced in the supreme court to review the court's decision within 30 days, the clerk shall transmit to the clerk of the trial court the original papers, files, and exhibits. If a discretionary review proceeding or appeal has been timely commenced in the supreme court to review the court's decision, the original papers, files, and exhibits shall be retained by the clerk until transmitted to the supreme court or, if not so transmitted, until final disposition by the supreme court and final disposition by the court pursuant to the mandate issued by the supreme court.

(c) Marshal.

(1) *Appointment.* The court shall appoint a marshal who shall hold office at the pleasure of the court and perform such duties as the court directs. The marshal's compensation shall be fixed by law.

(2) *Duties.* The marshal shall have power to execute process of the court throughout the district, and in any county therein may deputize the sheriff or a deputy sheriff for such purpose. The marshal shall perform such clerical or ministerial duties as the court may direct or as are required by law. The marshal shall be custodian of the headquarters occupied by the court, whether the headquarters is an entire building or a part of a building.

(d) Open Sessions. All sessions of the court shall be open to the public, except conference sessions held for the discussion and consideration of pending cases, for the formulation of opinions by the court, and for the discussion or resolution of other matters related to the administration of the court.

(e) Designation of Assigned Judges. When any justice or judge of another court is assigned for temporary service on a district court of appeal, that justice or judge shall be designated, as author or participant, by name and initials followed by the words "Associate Judge."

RULE 2.215. TRIAL COURT ADMINISTRATION

(a) Purpose. The purpose of this rule is to fix administrative responsibility in the chief judges of the circuit courts and the other judges that the chief judges may designate. When these rules refer to the court, they shall be construed to apply to a judge of the court when the context requires or permits.

(b) Chief Judge.

(1) The chief judge shall be a circuit judge who possesses managerial, administrative, and leadership abilities, and shall be selected without regard to seniority only.

(2) The chief judge shall be the administrative officer of the courts within the circuit and shall, consistent with branch-wide policies, direct the formation and implementation of policies, and priorities for the operation of all courts and officers within the circuit. The chief judge shall exercise administrative supervision over all judges and court personnel within the judicial circuit. The chief judge shall be responsible to the chief justice of the supreme court. The chief judge may enter and sign administrative orders, except as otherwise provided by this rule. The chief judge shall have the authority to require that all judges of the court, other court officers, and court personnel comply with all court and judicial branch policies, administrative orders, procedures and administrative plans.

(3) The chief judge shall maintain liaison in all judicial administrative matters with the chief justice of the supreme court, and shall, considering available resources, ensure the efficient and proper administration of all courts within that circuit. The chief judge shall develop an administrative plan that shall be filed with the supreme court and shall include an administrative organization capable of effecting the prompt disposition of cases; assignment of judges, other court officers, and all other court personnel; control of dockets; regulation and use of courtrooms; and mandatory periodic review of the status of the inmates of the county jail. The plan shall be compatible with the development of the capabilities of the judges in such a manner that each judge will be qualified to serve in any

division, thereby creating a judicial pool from which judges may be assigned to various courts throughout the state. The administrative plan shall include a consideration of the statistical data developed by the case reporting system. Questions concerning the administration or management of the courts of the circuit shall be directed to the chief justice of the supreme court through the state courts administrator.

(4) The chief judge shall assign judges to the courts and divisions, and shall determine the length of each assignment. The chief judge is authorized to order consolidation of cases, and to assign cases to a judge or judges for the preparation of opinions, orders, or judgments. All judges shall inform the chief judge of any contemplated absences that will affect the progress of the court's business. If a judge is temporarily absent, is disqualified in an action, or is unable to perform the duties of the office, the chief judge or the chief judge's designee may assign a proceeding pending before the judge to any other judge or any additional assigned judge of the same court. The chief judge may assign any judge to temporary service for which the judge is qualified in any court in the same circuit. If it appears to the chief judge that the speedy, efficient, and proper administration of justice so requires, the chief judge shall request the chief justice of the supreme court to assign temporarily an additional judge or judges from outside the circuit to duty in the court requiring assistance. The assigned judges shall be subject to administrative supervision of the chief judge for all purposes of this rule. When assigning a judge to hear any type of postconviction or collateral relief proceeding brought by a defendant who has been sentenced to death, the chief judge shall assign to such cases a judge qualified to conduct such proceedings under subdivision (b)(10) of this rule. Nothing in this rule shall restrict the constitutional powers of the chief justice of the supreme court to make such assignments as the chief justice shall deem appropriate.

(5) The chief judge may designate a judge in any court or court division of circuit or county courts as "administrative judge" of any court or division to assist with the administrative supervision of the court or division. To the extent practical, the chief judge shall assign only one administrative judge to supervise

the family court. The designee shall be responsible to the chief judge, shall have the power and duty to carry out the responsibilities assigned by the chief judge, and shall serve at the pleasure of the chief judge.

(6) The chief judge may require the attendance of prosecutors, public defenders, clerks, bailiffs, and other officers of the courts, and may require from the clerks of the courts, sheriffs, or other officers of the courts periodic reports that the chief judge deems necessary.

(7) The chief judge shall regulate the use of all court facilities, regularly examine the dockets of the courts under the chief judge's administrative supervision, and require a report on the status of the matters on the dockets. The chief judge may take such action as may be necessary to cause the dockets to be made current. The chief judge shall monitor the status of all postconviction or collateral relief proceedings for defendants who have been sentenced to death from the time that the mandate affirming the death sentence has been issued by the supreme court and shall take the necessary actions to assure that such cases proceed without undue delay. On the first day of every January, April, July, and October, the chief judge shall inform the chief justice of the supreme court of the status of all such cases.

(8) The chief judge or the chief judge's designee shall regularly examine the status of every inmate of the county jail.

(9) The chief judge may authorize the clerks of courts to maintain branch county court facilities. When so authorized, clerks of court shall be permitted to retain in such branch court facilities all county court permanent records of pending cases, and may retain and destroy these records in the manner provided by law.

(10) (A) The chief judge shall not assign a judge to preside over a capital case in which the state is seeking the death penalty, or collateral proceedings brought by a death row inmate, until that judge has become qualified to do so by:

(i) presiding a minimum of 6 months in a felony criminal division or in a division that includes felony criminal cases, and

(ii) successfully attending the "Handling Capital Cases" course offered through the Florida Court Education Council. A judge whose caseload includes felony criminal cases must attend the "Handling Capital Cases" course as soon as practicable, or upon the direction of the chief judge.

(B) The chief justice may waive these requirements in exceptional circumstances at the request of the chief judge.

(C) Following attendance at the "Handling Capital Cases" course, a judge shall remain qualified to preside over a capital case by attending a "Capital Case Refresher" course once during each of the subsequent continuing judicial education (CJE) reporting periods. A judge who has attended the "Handling Capital Cases" course and who has not taken the "Capital Case Refresher" course within any subsequent continuing judicial education reporting period must requalify to preside over a capital case by attending the refresher course.

(D) The refresher course shall be at least a 6-hour course and must be approved by the Florida Court Education Council. The course must contain instruction on the following topics: penalty phase, jury selection, and proceedings brought pursuant to Florida Rule of Criminal Procedure 3.851.

(11) The failure of any judge to comply with an order or directive of the chief judge shall be considered neglect of duty and may be reported by the chief judge to the chief justice of the supreme court who shall have the authority to take any corrective action as may be appropriate. The chief judge may report the neglect of duty by a judge to the Judicial Qualifications Commission or other appropriate person or body, or take such other corrective action as may be appropriate.

(12) At the call of the chief justice, the chief judges of the circuit court and district courts of appeal shall meet on a regular

basis and with each other and with the chief justice to discuss and provide feedback for implementation of policies and practices that have statewide impact including, but not limited to, the judicial branch's management, operation, strategic plan, legislative agenda and budget priorities. Such meetings shall, if practicable, occur at least quarterly and be conducted in person. At the discretion of the chief justice, any of these meetings may be combined with other judicial branch and leadership meetings.

(13) The chief judge shall have the responsibility to exercise reasonable efforts to promote and encourage diversity in the administration of justice.

(c) Selection. The chief judge shall be chosen by a majority of the active circuit and county court judges within the circuit for a term of 2 years commencing on July 1 of each odd-numbered year, or if there is no majority, by the chief justice, for a term of 2 years. The election for chief judge shall be held no sooner than February 1 of the year during which the chief judge's term commences beginning July 1. All elections for chief judge shall be conducted as follows:

(1) All ballots shall be secret.

(2) Any circuit or county judge may nominate a candidate for chief judge.

(3) Proxy voting shall not be permitted.

(4) Any judge who will be absent from the election may vote by secret absentee ballot obtained from and returned to the Trial Court Administrator.

A chief judge may be removed as chief judge by the supreme court, acting as the administrative supervisory body of all courts, or may be removed by a two-thirds vote of the active judges. The purpose of this rule is to fix a 2-year cycle for the selection of the chief judge in each circuit. A chief judge may serve for successive terms but in no event shall the total term as chief judge exceed 8 years. A chief judge who is to be temporarily absent shall select an acting chief

judge from among the circuit judges. If a chief judge dies, retires, fails to appoint an acting chief judge during an absence, or is unable to perform the duties of the office, the chief justice of the supreme court shall appoint a circuit judge to act as chief judge during the absence or disability, or until a successor chief judge is elected to serve the unexpired term. When the office of chief judge is temporarily vacant pending action within the scope of this paragraph, the duties of court administration shall be performed by the circuit judge having the longest continuous service as a judge or by another circuit judge designated by that judge.

(d) Circuit Court Administrator. Each circuit court administrator shall be selected or terminated by the chief judge subject to concurrence by a majority vote of the circuit and county judges of the respective circuits.

(e) Local Rules and Administrative Orders.

(1) Local court rules as defined in rule 2.120 may be proposed by a majority of the circuit and county judges in the circuit. The judges shall notify the local bar within the circuit of the proposal, after which they shall permit a representative of the local bar, and may permit any other interested person, to be heard orally or in writing on the proposal before submitting it to the supreme court for approval. When a proposed local rule is submitted to the supreme court for approval, the following procedure shall apply:

(A) Local court rule proposals shall be submitted to the supreme court in January of each year. The supreme court may accept emergency proposals submitted at other times.

(B) Not later than February 15 of each year, the clerk of the supreme court shall submit all local court rule proposals to the Supreme Court Local Rules Advisory Committee created by rule 2.140. At the same time, the clerk of the supreme court shall send copies of the proposed rules to the appropriate committees of The Florida Bar. The Florida Bar committees, any interested local bar associations, and any other interested person shall submit any comments or responses that they wish to make to

the Supreme Court Local Rules Advisory Committee on or before March 15 of the year.

(C) The Supreme Court Local Rules Advisory Committee shall meet on or before April 15 to consider the proposals and any comments submitted by interested parties. The committee shall transmit its recommendations to the supreme court concerning each proposal, with the reasons for its recommendations, within 15 days after its meeting.

(D) The supreme court shall consider the recommendations of the committee and may resubmit the proposals with modifications to the committee for editorial comment only. The supreme court may set a hearing on any proposals, or consider them on the recommendations and comments as submitted. If a hearing is set, notice shall be given to the chief judge of the circuit from which the proposals originated, the executive director of The Florida Bar, the chair of the Rules of General Practice and Judicial Administration Committee of The Florida Bar, any local bar associations, and any interested persons who made comments on the specific proposals to be considered. The supreme court shall act on the proposals promptly after the recommendations are received or heard.

(E) If a local court rule is approved by the supreme court, it shall become effective on the date set by that court.

(F) A copy of all local court rules approved by the supreme court shall be indexed and recorded by the clerk of the circuit court in each county of the circuit where the rules are effective. A set of the recorded copies shall be readily available for inspection as a public record, and copies shall be provided to any requesting party for the cost of duplication. The chief judge of the circuit may provide for the publication of the rules. The clerk of the supreme court shall furnish copies of each approved local court rule to the executive director of The Florida Bar.

(2) Any judge or member of The Florida Bar who believes that an administrative order promulgated under

subdivision (b)(2) of this rule is a court rule or a local rule as defined in rule 2.120, rather than an administrative order, may apply to the Supreme Court Local Rules Advisory Committee for a decision on the question. The decisions of the committee concerning the determination of the question shall be reported to the supreme court, and the court shall follow the procedure set forth in subdivision (D) above in considering the recommendation of the committee.

(3) All administrative orders of a general and continuing nature, and all others designated by the chief judge, shall be indexed and recorded by the clerk of the circuit court in each county where the orders are effective. A set of the recorded copies shall be readily available for inspection as a public record, and copies shall be provided to any requesting party for the cost of duplication. The chief judge shall, on an annual basis, direct a review of all local administrative orders to ensure that the set of copies maintained by the clerk remains current and does not conflict with supreme court or local rules.

(4) All local court rules entered pursuant to this section shall be numbered sequentially for each respective judicial circuit.

(f) Duty to Rule within a Reasonable Time. Every judge has a duty to rule upon and announce an order or judgment on every matter submitted to that judge within a reasonable time. Each judge shall maintain a log of cases under advisement and inform the chief judge of the circuit at the end of each calendar month of each case that has been held under advisement for more than 60 days.

(g) Duty to Expedite Priority Cases. Every judge has a duty to expedite priority cases to the extent reasonably possible. Priority cases are those cases that have been assigned a priority status or assigned an expedited disposition schedule by statute, rule of procedure, case law, or otherwise. Particular attention shall be given to all juvenile dependency and termination of parental rights cases, cases involving families and children in need of services, challenges involving elections and proposed constitutional amendments, and capital postconviction cases. As part of an effort

to make capital postconviction cases a priority, the chief judge shall have the discretion to create a postconviction division to handle capital postconviction, as well as non-capital postconviction cases, and may assign one or more judges to that division.

(h) Neglect of Duty. The failure of any judge, clerk, prosecutor, public defender, attorney, court reporter, or other officer of the court to comply with an order or directive of the chief judge shall be considered neglect of duty and shall be reported by the chief judge to the chief justice of the supreme court. The chief justice may report the neglect of duty by a judge to the Judicial Qualifications Commission, and neglect of duty by other officials to the governor of Florida or other appropriate person or body.

(i) Status Conference after Compilation of Record in Death Case. In any proceeding in which a defendant has been sentenced to death, the circuit judge assigned to the case shall take such action as may be necessary to ensure that a complete record on appeal has been properly prepared. To that end, the judge shall convene a status conference with all counsel of record as soon as possible after the record has been prepared pursuant to rule of appellate procedure 9.200(d) but before the record has been transmitted. The purpose of the status conference shall be to ensure that the record is complete.

Committee Notes

2008 Amendment. The provisions in subdivision (g) of this rule should be read in conjunction with the provisions of rule 2.545(c) governing priority cases.

Court Commentary

1996 Court Commentary. Rule 2.050(h) [renumbered as 2.215(h) in 2006] should be read in conjunction with Florida Rule of Appellate Procedure 9.140(b)(4)(A).

1997 Court Commentary. [Rule 2.050(b)(10), renumbered as 2.215(b)(10) in 2006]. The refresher course may be a six-hour block during any Florida Court Education Council approved course

offering sponsored by any approved Florida judicial education provider, including the Florida College of Advanced Judicial Studies or the Florida Conference of Circuit Judges. The block must contain instruction on the following topics: penalty phase, jury selection, and rule 3.850 proceedings.

Failure to complete the refresher course during the three-year judicial education reporting period will necessitate completion of the original "Handling Capital Cases" course.

2002 Court Commentary. Recognizing the inherent differences in trial and appellate court dockets, the last sentence of subdivision (g) is intended to conform to the extent practicable with appellate rule 9.146(g), which requires appellate courts to give priority to appeals in juvenile dependency and termination of parental rights cases, and in cases involving families and children in need of services.

Criminal Court Steering Committee Note

2014 Amendment. Capital postconviction cases were added to the list of priority cases.

RULE 2.220. CONFERENCES OF JUDGES

(a) Conference of County Court Judges.

(1) *Creation.* There shall be a "Conference of County Court Judges of Florida," consisting of the active and senior county court judges of the State of Florida.

(2) *Purpose.* The purpose of the conference shall be:

(A) the betterment of the judicial system of the state;

(B) the improvement of procedure and practice in the several courts;

(C) to conduct conferences and institutes for continuing judicial education and to provide forums in which the

county court judges of Florida may meet and discuss mutual problems and solutions; and

(D) to provide input to the Unified Committee on Judicial Compensation on judicial compensation and benefit issues, and to assist the judicial branch in soliciting support and resources on these issues.

(3) *Officers.* Management of the conference shall be vested in the officers of the conference, an executive committee, and a board of directors.

(A) The officers of the conference shall be:

(i) the president, president-elect, immediate past president, secretary, and treasurer, who shall be elected at large; and

(ii) one vice-president elected from each appellate court district.

(B) The executive committee shall consist of the officers of the conference and an executive secretary.

(C) The board of directors shall consist of the executive committee and a member elected from each judicial circuit.

(D) There shall be an annual meeting of the conference.

(E) Between annual meetings of the conference, the affairs of the conference shall be managed by the executive committee.

(4) *Authority.* The conference may adopt governance documents, the provisions of which shall not be inconsistent with this rule.

(b) Conference of Circuit Court Judges.

(1) *Organization.* There shall be a "Conference of Circuit Court Judges of Florida," consisting of the active and retired circuit judges of the several judicial circuits of the state, excluding retired judges practicing law.

(2) *Purpose.* The purpose of the conference shall be:

(A) the betterment of the judicial system of the state;

(B) the improvement of procedure and practice in the several courts;

(C) to conduct conferences and institutes for continuing judicial education and to provide forums in which the circuit court judges of Florida may meet and discuss mutual problems and solutions;

(D) to provide input to the Unified Committee on Judicial Compensation on judicial compensation and benefit issues, and to assist the judicial branch in soliciting support and resources on these issues;

(E) to report to the Florida Supreme Court recommendations as the conference may have concerning the improvement of procedure and practice in the several courts;

(F) to confer with the Florida Supreme Court regarding concerns the conference may have concerning the laws of this state affecting the administration of justice; and

(G) to provide to the Florida Legislature recommendations as the conference may have concerning laws of this state affecting the administration of justice.

(3) *Officers.* Management of the conference shall be vested in the officers of the conference, an executive committee, and a board of directors.

(A) The officers of the conference shall be the chair, chair-elect, secretary, and treasurer.

(B) The executive committee shall consist of the officers of the conference and such other members as the conference shall determine.

(C) The board of directors shall consist of the executive committee and membership in one shall be identical to membership of the other.

(D) There shall be an annual meeting of the conference.

(E) Between annual meetings of the conference, the affairs of the conference shall be managed by the executive committee.

(4) *Authority.* The conference may adopt governance documents, the provisions of which shall not be inconsistent with this rule.

(c) Conference of District Court of Appeal Judges.

(1) *Creation.* There shall be a "Florida Conference of District Court of Appeal Judges," consisting of the active and senior district court of appeal judges of the State of Florida.

(2) *Purpose.* The purpose of the conference shall be:

(A) the betterment of the judicial system of the state;

(B) the improvement of procedure and practice in the several courts;

(C) to conduct conferences and institutes for continuing judicial education and to provide forums in which the district court of appeal judges of Florida may meet and discuss mutual problems and solutions; and

(D) to provide input to the Unified Committee on Judicial Compensation on judicial compensation and benefit issues, and to assist the judicial branch in soliciting support and resources on these issues.

(3) *Officers.* Management of the conference shall be vested in the officers of the conference and an executive committee.

(A) The officers of the conference shall be the president, president-elect, and secretary-treasurer.

(B) The executive committee shall consist of the president and president-elect of the conference and the chief judge of each district court of appeal.

(C) There shall be an annual meeting of the conference.

(D) Between annual meetings of the conference, the affairs of the conference shall be managed by the executive committee.

(4) *Authority.* The conference may adopt governance documents, the provisions of which shall not be inconsistent with this rule.

(d) Cooperation and Coordination. The conference of judges shall cooperate and coordinate with each other and the state courts administrator on all matters that have implications for the branch as a whole, consistent with their purpose of the betterment of the judicial system of the state and subject to the direction of the chief justice as the chief administrative officer of the judicial branch.

RULE 2.225. JUDICIAL MANAGEMENT COUNCIL

(a) Creation and Responsibilities. There is hereby created the Judicial Management Council of Florida, which shall meet at least quarterly, and be charged with the following responsibilities:

(1) identifying potential crisis situations affecting the judicial branch and developing strategy to timely and effectively address them;

(2) identifying and evaluating information that would assist in improving the performance and effectiveness of the judicial branch (for example, information including, but not limited to, internal operations for cash flow and budget performance, and statistical information by court and type of cases for (i) number of cases filed, (ii) aged inventory of cases — the number and age of cases pending, (iii) time to disposition — the percentage of cases disposed or otherwise resolved within established time frames, and (iv) clearance rates — the number of outgoing cases as a percentage of the number of incoming cases);

(3) developing and monitoring progress relating to long-range planning for the judicial branch;

(4) reviewing the charges of the various court and Florida Bar commissions and committees, recommending consolidation or revision of the commissions and committees, and recommending a method for the coordination of the work of those bodies based on the proposed revisions; and

(5) addressing issues brought to the council by the supreme court.

(b) Referrals. The chief justice and the supreme court shall consider referring significant new issues or problems with implications for judicial branch policy to the Judicial Management Council prior to the creation of any new committees.

(c) Supreme Court Action on Recommendations by the Judicial Management Council. The supreme court may take any or all of the following actions on recommendations made by the Judicial Management Council:

(1) adopt the recommendation of the council in whole or in part, with or without conditions, including but not limited to:

(A) directing that action be taken to influence or change administrative policy, management practices, rules, or programs that are the subject of the recommendations;

(B) including the recommendation in the judicial branch's legislative agenda or budget requests;

(2) refer specific issues or questions back to the council for further study or alternative recommendations;

(3) reject the recommendation or decision in whole or in part;

(4) refer the recommendation to other entities, such as the Florida Legislature, the governor, the cabinet, executive branch agencies, or The Florida Bar, as the supreme court deems appropriate; or

(5) take alternative action.

(d) Membership.

(1) The council shall consist of 15 voting members, including the chief justice, who shall chair the council, an additional justice of the supreme court, representatives from each level of court, and public members.

(2) All voting members shall be appointed by the supreme court. Each member, other than the chief justice, will initially be appointed for a 2- or 4- year term, with the terms staggered to ensure continuity and experience on the council and for 4-year terms thereafter.

(3) The state courts administrator shall be a nonvoting member. The council may request other nonvoting persons to participate on an as-needed temporary basis to gain expertise and experience in certain issues on review.

(e) Staff Support and Funding. The Office of the State Courts Administrator shall provide primary staff support to the

Judicial Management Council. Adequate staffing and other resources shall be made available to the Office of the State Courts Administrator to ensure the effective and efficient completion of tasks assigned to the Judicial Management Council. Sufficient resources shall also be provided for meetings of the Judicial Management Council and its committees or subcommittees, and other expenses necessary to the satisfactory completion of its work.

RULE 2.230. TRIAL COURT BUDGET COMMISSION

(a) Purpose. The purpose of this rule is to establish a Trial Court Budget Commission that will have the responsibility for developing and overseeing the administration of trial court budgets in a manner which ensures equity and fairness in state funding among the 20 judicial circuits.

(b) Responsibilities. The Trial Court Budget Commission is charged with specific responsibility to:

(1) establish budgeting and funding policies and procedures consistent with judicial branch plans and policies, directions from the supreme court, and in consideration of input from the Commission on Trial Court Performance and Accountability and other supreme court committees and from the Florida Conference of Circuit Court Judges and the Florida Conference of County Court Judges;

(2) make recommendations to the supreme court on the trial court component of the annual judicial branch budget request;

(3) advocate for the trial court component of the annual judicial branch budget request and associated statutory changes;

(4) make recommendations to the supreme court on funding allocation formulas and budget implementation and criteria as well as associated accountability mechanisms based on actual legislative appropriations;

(5) monitor trial court expenditure trends and revenue collections to identify unanticipated budget problems and to ensure the efficient use of resources;

(6) recommend statutory and rule changes related to trial court budgets;

(7) develop recommended responses to findings on financial audits and reports from the Supreme Court Inspector General, Auditor General, Office of Program Policy Analysis and Government Accountability, and other governmental entities charged with auditing responsibilities regarding trial court budgeting when appropriate;

(8) recommend to the supreme court trial court budget reductions required by the legislature;

(9) identify potential additional sources of revenue for the trial courts;

(10) recommend to the supreme court legislative pay plan issues for trial court personnel, except the commission shall not make recommendations as to pay or benefits for judges; and

(11) request input from the Commission on Trial Court Performance and Accountability on recommendations from that commission that may impact the trial court budget or require funding.

(c) Operational Procedures. The Trial Court Budget Commission will establish operating procedures necessary to carry out its responsibilities as outlined in subdivision (b), subject to final approval by the supreme court. These procedures shall include:

(1) a method for ensuring input from interested constituencies, including the chief judges and trial court administrators of the trial courts, other members of the trial court judiciary, the Judicial Management Council, the Commission on Trial Court Performance and Accountability, and other judicial branch committees and commissions; and

(2) a method for appeal of the decisions of the Trial Court Budget Commission. Appeals may be made only by a chief judge on behalf of a circuit. Appeals may be heard only by the Trial Court Budget Commission unless the appeal is based on the failure of the commission to adhere to its operating procedures, in which case the appeal may be made to the supreme court.

(d) Action by Supreme Court or Chief Justice on Recommendations of Trial Court Budget Commission. The supreme court or chief justice, as appropriate, may take any or all of the following actions on recommendations made by the Trial Court Budget Commission:

(1) The adoption of the recommendations of the commission made in accordance with the discharge of its responsibilities listed in subdivision (b) in whole.

(2) The adoption of the recommendations in part and referral of specific issues or questions back to the commission for further study or alternative recommendations.

(e) Membership and Organization. The Trial Court Budget Commission will be composed of 21 voting members appointed by the chief justice who will be trial court judges and trial court administrators and who will represent the interests of the trial courts generally rather than the individual interests of a particular circuit, level of court, or division. The respective presidents of the Conference of Circuit Court Judges and the Conference of County Court Judges and the chair of the Commission on Trial Court Performance and Accountability shall serve as ex officio nonvoting members of the commission. The chief justice will make appointments to ensure that the broad interests of the trial courts are represented by including members who are from different levels of court (circuit or county), who have experience in different divisions, who have expertise in court operations or administrative matters, and who offer geographic, racial, ethnic, and gender diversity.

(1) The membership must include a minimum of 12 trial court judges and a minimum of 5 trial court administrators.

(2) The chief justice will appoint 1 member to serve as chair and 1 member to serve as vice chair, each for a 2-year term.

(3) A supreme court justice will be appointed by the chief justice to serve as supreme court liaison.

(4) No circuit will have more than 2 members on the commission.

(5) Voting members will each be appointed for a 6-year term and may serve no more than two full terms. Notwithstanding that limitation, the chief justice may appoint a member for additional terms if the supreme court determines it is in the best interests of the trial courts. In the event of a vacancy, the chief justice will appoint a new member to serve for the remainder of the departing member's term, which service shall not count toward the limitation on the number of terms.

(6) The commission may establish subcommittees as necessary to satisfactorily carry out its responsibilities. Subcommittees may make recommendations only to the commission as a whole. The chair of the commission may appoint a non-commission member to serve on a subcommittee.

(f) Staff Support and Funding. The Office of the State Courts Administrator will provide primary staff support to the commission. Adequate staffing and resources will be made available to the Office of the State Courts Administrator to ensure the commission is able to fulfill its responsibilities as outlined in the rule. Sufficient resources will also be provided for the commission and its subcommittees to meet and otherwise complete its work.

RULE 2.235. DISTRICT COURT OF APPEAL BUDGET COMMISSION

(a) Purpose. The purpose of this rule is to establish a District Court of Appeal Budget Commission with responsibility for developing and overseeing the administration of district court budgets in a manner which ensures equity and fairness in state funding among the 5 districts.

(b) Responsibilities. The District Court of Appeal Budget Commission is charged with specific responsibility to:

(1) establish budgeting and funding policies and procedures consistent with judicial branch plans and policies, directions from the supreme court, and in consideration of input from the Commission on District Court of Appeal Performance and Accountability, and other supreme court committees;

(2) make recommendations to the supreme court on a unitary district court component of the annual judicial branch budget request;

(3) advocate for the district court component of the annual judicial branch budget request;

(4) make recommendations to the supreme court on funding allocation formulas and/or criteria as well as associated accountability mechanisms based on actual legislative appropriations;

(5) monitor district court expenditure trends and revenue collections to identify unanticipated budget problems and to ensure the efficient use of resources;

(6) recommend statutory and rule changes related to district court budgets;

(7) develop recommended responses to findings on financial audits and reports from the Supreme Court Inspector General, Auditor General, Office of Program Policy Analysis and Government Accountability, and other governmental entities charged with auditing responsibilities regarding district court budgeting when appropriate;

(8) recommend to the supreme court district court budget reductions required by the legislature;

(9) identify potential additional sources of revenue for the district courts;

(10) recommend to the supreme court legislative pay plan issues for district court personnel, except the commission shall not make recommendations as to pay or benefits for judges; and

(11) request input from the Commission on District Court of Appeal Performance and Accountability on recommendations from that commission that may impact the district court budget or require funding.

(c) Operational Procedures. The District Court of Appeal Budget Commission will establish operating procedures necessary to carry out its responsibilities as outlined in subdivision (b), subject to final approval by the supreme court. These procedures shall include:

(1) a method for ensuring input from interested constituencies, including the chief judges, marshals, and clerks of the district courts, other members of the district court judiciary, the Judicial Management Council, the Commission on District Court of Appeal Performance and Accountability, and other judicial branch committees and commissions; and

(2) a method for appeal of the decisions of the District Court of Appeal Budget Commission. Appeals may be made only by a chief judge on behalf of the district. Appeals may be heard only by the District Court of Appeal Budget Commission unless the appeal is based on the failure of the commission to adhere to its operating procedures, in which case the appeal may be made to the supreme court.

(d) Action by Supreme Court or Chief Justice on Recommendations of District Court of Appeal Budget Commission. The supreme court or chief justice, as appropriate, may take any or all of the following actions on recommendations made by the District Court of Appeal Budget Commission:

(1) The adoption of the recommendations of the commission made in accordance with the discharge of its responsibilities listed in subdivision (b) in whole.

(2) The adoption of the recommendations in part and referral of specific issues or questions back to the commission for further study or alternative recommendations.

(e) Membership and Organization. The District Court of Appeal Budget Commission will be composed of 10 voting members appointed by the chief justice who will represent the interests of the district courts generally rather than the individual interests of a particular district.

(1) The membership shall include the chief judge of each district court of appeal, who shall serve for his or her term as chief judge. The membership shall also include one additional judge from each district court of appeal, appointed by the chief justice, with advice from each chief judge. The marshal of each district court of appeal shall serve as a nonvoting member. Ex officio nonvoting members shall also include the chairs of the District Court of Appeal Performance and Accountability Commission and the Appellate Court Technology Committee, and the president of the District Court of Appeal Judges Conference.

(2) The chief justice will appoint 1 member to serve as chair and 1 member to serve as vice chair, each for a four-year term, or until the member's term on the commission expires.

(3) The commission may establish subcommittees as necessary to satisfactorily carry out its responsibilities. Subcommittees may make recommendations only to the commission as a whole. The chair of the commission may appoint a non-commission member to serve on a subcommittee.

(4) Effective July 1, 2013, the commission shall be reconstituted with staggered terms for voting members, as follows: (A) The chief judge of each district will be appointed for his or her term as chief judge. (B) The additional judge from each odd-numbered district will be appointed for a four-year term. (C) The additional judge from each even-numbered district will be appointed for a two-year term, and thereafter to four-year terms. (D) Each nonvoting member will serve so long as he or she continues to hold

the office which entitles him or her to membership on the commission.

(f) Staff Support and Funding. The Office of the State Courts Administrator will provide primary staff support to the commission. Adequate staffing and resources will be made available to the Office of the State Courts Administrator to ensure the commission is able to fulfill its responsibilities as outlined in this rule. Sufficient resources will also be provided for the commission and its subcommittees to meet and otherwise complete its work.

RULE 2.236. FLORIDA COURTS TECHNOLOGY COMMISSION

(a) Purpose. The purpose of this rule is to establish a Florida Courts Technology Commission with responsibility for overseeing, managing, and directing the development and use of technology within the judicial branch under the direction of the supreme court as specified in this rule. For the purpose of this rule, the term "judicial branch" does not include The Florida Bar, the Florida Board of Bar Examiners, or the Judicial Qualifications Commission.

(b) Responsibilities. The Florida Courts Technology Commission is charged with specific responsibility to:

(1) make recommendations to the supreme court on all matters of technology policy impacting the judicial branch to allow the supreme court to establish technology policy in the branch;

(2) make recommendations to the supreme court regarding policies for public access to electronic court records;

(3) make recommendations to the supreme court about the relative priorities of various technology projects within the judicial branch so that the supreme court can establish priorities. The commission should coordinate with the Trial Court Budget Commission and District Court of Appeal Budget Commission to secure funds for allocation of those priorities;

(4) direct and establish priorities for the work of all technology committees in the judicial branch, including the Appellate Court Technology Committee, and review and approve recommendations made by any court committee concerning technology matters or otherwise implicating court technology policy.

(5) establish, periodically review, and update technical standards for technology used and to be used in the judicial branch to receive, manage, maintain, use, secure, and distribute court records by electronic means, consistent with the technology policies established by the supreme court. These standards shall be coordinated with the strategic plans of the judicial branch, rules of procedure, applicable law, and directions from the supreme court, and shall incorporate input from the public, clerks of court, supreme court committees and commissions, and other groups involved in the application of current technology to the judicial branch;

(6) create procedures whereby courts and clerks and other applicable entities can apply for approval of new systems, or modifications to existing systems, that involve the application of technology to the receipt, management, maintenance, use, securing, and distribution of court records within the judicial branch, and between the public and the judicial branch;

(7) evaluate all such applications to determine whether they comply with the technology policies established by the supreme court and the procedures and standards created pursuant to this rule, and approve those applications deemed to be effective and found to be in compliance;

(8) develop and maintain security policies that must be utilized to ensure the integrity and availability of court technology systems and related data;

(9) ensure principles of accessibility are met for all court technology projects, with consideration and application of the requirements of the Americans with Disabilities Act of 1990 and any other applicable state or federal disability laws;

(10) ensure that the technology utilized in the judicial branch is capable of required integration;

(11) periodically review and evaluate all approved technology in the judicial branch to determine its adherence to current supreme court technology policies and standards;

(12) review annual and periodic reports on the status of court technology systems and proposals for technology improvements and innovation throughout the judicial branch;

(13) recommend statutory and rule changes or additions relating to court technology and the receipt, maintenance, management, use, securing, and distribution of court records by electronic means;

(14) identify technology issues that require attention in the judicial branch upon:

(A) referral from the chief justice;

(B) referral from the supreme court; or

(C) identification by the Florida Courts Technology Commission on its own initiative based on recommendations of the public, commission members, judges, justice system partners, The Florida Bar, clerks of court, the Florida Legislature (either informally or through the passage of legislation), the Governor, the cabinet, or executive branch agencies; and

(15) coordinate proposed amendments to rules of court procedure and judicial administration necessary to effectuate the commission's charge with appropriate Florida Bar rules committees. If a program, system, or application is found not to comply with the policies established by the supreme court or the standards and procedures established by the commission, the commission may require that it be terminated or modified or subject to such conditions as the commission deems appropriate.

(c) Operational Procedures. The Florida Courts Technology Commission shall establish operating procedures necessary to carry out its responsibilities as outlined in subdivision (b), subject to final approval by the supreme court. These procedures shall include:

(1) a method for ensuring input from all interested constituencies in the state of Florida;

(2) a method for monitoring the development of new court technology projects, reviewing reports on new technology projects, and reviewing the annual reports;

(3) a method whereby courts and clerks and other applicable entities can apply for approval of new technology systems or applications, or modifications to existing systems or applications, that affect the receipt, management, maintenance, use, securing, and distribution of court records;

(4) a system to evaluate all applications for new or modified technology systems to determine whether they comply with the policies and technical standards established by the supreme court and the procedures created pursuant to this rule, and are otherwise appropriate to implement in the judicial branch;

(5) a process for making decisions on all applications for new or modified technology systems and communicating those decisions to interested parties. If an application is found to comply with technology policies and standards, the commission may approve the application and its written approval shall authorize the applicant to proceed. For all applications that are not approved, the commission shall assist the applicant in remedying any deficiencies that the commission identifies;

(6) a method to monitor all technology programs, systems, and applications used in the judicial branch to ensure that such programs, systems, and applications are operating in accordance with the technology policies established by the supreme court and technical standards established by the commission. The commission may ask any operator of a program, system, or application to appear before it for examination into whether the

program, system, or application complies with technology policies and standards;

(7) a process to conduct the limited, short-term work of the commission through work groups that it may constitute from time to time. Work groups may make recommendations to the commission as a whole. The chair of the commission may appoint non-commission members to serve on any work group; and

(8) a process to conduct substantial work of the commission requiring long-term commitment through subcommittees. Subcommittees may make recommendations to the commission as a whole. The chair of the commission may appoint non-commission members to serve on any subcommittee.

(d) Action by Supreme Court or Chief Justice on Recommendations of or Decisions by Florida Courts Technology Commission. The supreme court or chief justice, as appropriate, may take any of the following actions on recommendations or decisions made by the Florida Courts Technology Commission:

(1) Adopt the recommendation or decision of the commission in whole or in part, with or without conditions.

(2) Refer specific issues or questions back to the commission for further study or alternative recommendations.

(3) Reject the recommendation or decision in whole or in part.

(4) Take alternative action.

(e) Membership and Organization.

(1) The Florida Courts Technology Commission shall be composed of 25 voting members appointed by the chief justice after consultation with the court. All members shall represent the interests of the public and of Florida courts generally rather than the separate interests of any particular district, circuit, county,

division, or other organization. The membership shall include members who have experience in different divisions of courts, in court operations, and in using technology in court for case processing, management, and administrative purposes, and shall provide geographic, racial, ethnic, gender, and other diversity.

(2) The membership shall include 2 district court judges, 5 circuit court judges (1 of whom must be a chief judge), 2 county court judges, 3 court administrators, 3 court technology officers, 4 clerks of court (1 of whom must be a clerk of an appellate court), 4 members of The Florida Bar (1 of whom must be a member of the Board of Governors of The Florida Bar), and 2 members of the public at large.

(3) The members of the commission who are judicial officers, court technology officers, and court administrators must constitute a majority of the commission and must constitute a majority of any quorum at all meetings of the commission.

(4) A supreme court justice shall be appointed by the chief justice to serve as supreme court liaison to the commission.

(5) Each member will be initially appointed for a 1-, 2-, or 3-year term, with the terms staggered to ensure continuity and experience on the commission and for three year terms thereafter. Retention and reappointment of each member will be at the discretion of the chief justice.

(6) The chief justice shall appoint 1 member to serve as chair for a two-year term.

(f) Schedule of Reports. The Florida Courts Technology Commission shall prepare an annual report of its activities, which shall include its recommendations for changes or additions to the technology policies or standards of Florida courts, its recommendations for setting or changing priorities among the programs within the responsibility of the commission to assist with budget resources available, its recommendations for changes to rules, statutes, or regulations that affect technology in Florida courts and the work of the commission. The report also shall

include recommendations of the Appellate Court Technology Committee that implicate court technology policy and the action taken on those recommendations by the commission. This report shall be submitted to the supreme court on April 1 of each year.

(g) Appellate Court Technology Committee.

(1) Purpose. The purpose of this subdivision is to establish the Appellate Court Technology Committee as a standing committee of the Florida Courts Technology Commission responsible for providing technical guidance and consultation to the commission regarding information systems development and operational policies and procedures relating to automation in the district courts of appeal.

(2) Responsibilities. The Appellate Court Technology Committee is charged with specific responsibility to:

(A) coordinate with and provide advice to the Florida Courts Technology Commission regarding the development of standards and policies for implementing new technologies, system security, public access to district court information, and system support;

(B) develop, recommend, and implement policy and procedures consistent with the overall policy of the supreme court relating to technology issues affecting the district courts of appeal;

(C) recommend and coordinate the purchase and upgrade of hardware and software in relation to the district courts' office automation systems and networks;

(D) oversee and direct expenditures of designated state court system trust funds for technology needs in the district courts;

(E) promote orientation and education programs on technology and its effective utilization in the district court environment;

(F) ensure principles of accessibility are met for all court technology projects, with consideration and application of the requirements of the Americans with Disabilities Act of 1990 and any other applicable state or federal disability laws;

(G) propose amendments to rules of court procedure and judicial administration necessary to effectuate the committee's charge, after coordination with appropriate Florida Bar rules committees; and

(H) identify budget issues and funding sources and coordinate with the District Court of Appeal Budget Commission on recommendations requiring additional funding or resources for implementation in the district courts of appeal.

(3) *Membership and Terms.*

(A) The chief justice will select the chair of the committee from among the judges of the district courts, with input from the chief judges.

(B) The chief judges of the remaining district courts will designate a representative from each of their courts to serve as member of the committee.

(C) The chair and members will serve 3-year terms. Retention and reappointment of the chair will be at the discretion of the chief justice. Retention and reappointment of the representative from each district court will be at the discretion of the district court chief judge.

(4) *Commission Approval and Reporting of Policy Recommendations.* Committee recommendations that implicate court technology policy must be reviewed and approved by the commission. The commission will report the committee's policy recommendations and the action taken on them by the commission to the supreme court. The committee may submit to the court a companion report on its recommendations, supporting or opposing the action taken by the commission.

(h) Staff Support and Funding. The Office of the State Courts Administrator shall provide primary staff support to the Florida Courts Technology Commission and the Appellate Court Technology Committee. Adequate staffing and resources shall be made available by the Office of the State Courts Administrator to ensure that the commission and committee are able to fulfill their responsibilities under this rule.

RULE 2.240. DETERMINATION OF NEED FOR ADDITIONAL JUDGES

(a) Purpose. The purpose of this rule is to set forth uniform criteria used by the supreme court in determining the need for additional judges, except supreme court justices, and the necessity for decreasing the number of judges, pursuant to article V, section 9, Florida Constitution. These criteria form the primary basis for the supreme court's determination of need for additional judges. Unforeseen developments, however, may have an impact upon the judiciary resulting in needs which cannot be foreseen or predicted by statistical projections. The supreme court, therefore, may also consider any additional information found by it to be relevant to the process. In establishing criteria for the need for additional appellate court judges, substantial reliance has been placed on the findings and recommendations of the Commission on District Court of Appeal Performance and Accountability. *See In re Report of the Comm'n on Dist. Court of Appeal Performance and Accountability—Rule of Judicial Admin.* 2.035, 933 So. 2d 1136 (Fla. 2006).

(b) Criteria.

(1) *Trial Courts.*

(A) Assessment of judicial need at the trial court level is based primarily upon the application of case weights to circuit and county court caseload statistics supplied to the Office of the State Courts Administrator by the clerks of the circuit courts, pursuant to rule 2.245, Florida Rules of General Practice and Judicial Administration. Such case weights provide a quantified measure of judicial time spent on case-related activity, translating

judicial caseloads into judicial workload by factoring in the relative complexity by case type in the following manner:

(i) The circuit court case weights are applied to forecasted case filings, which include circuit criminal (includes felony, drug court, and worthless check cases), circuit civil (includes matters involving claims of $30,000.01 and above), family (includes domestic relations, juvenile dependency, and juvenile delinquency cases), and probate (includes guardianship, mental health, and trust cases).

(ii) The county court case weights are applied to forecasted filings, which include county criminal (includes misdemeanor, violations of county and municipal ordinance, worthless check, driving under the influence, and other criminal traffic cases), and county civil (includes small claims, matters involving claims ranging from $8,000.01 to $30,000, landlord-tenant, and civil traffic infraction cases).

(B) Other factors may be utilized in the determination of the need for one or more additional judges. These factors include, but are not limited to, the following:

(i) The availability and use of county court judges in circuit court.

(ii) The availability and use of senior judges to serve on a particular court.

(iii) The availability and use of magistrates and hearing officers.

(iv) The extent of use of alternative dispute resolution.

(v) The number of jury trials.

(vi) Foreign language interpretations.

(vii) The geographic size and composition of a circuit, including travel times between courthouses in a particular jurisdiction and the presence of community facilities such as correctional facilities, medical facilities, and universities.

(viii) Prosecutorial practices and law enforcement activities in the court's jurisdiction, including any substantial commitment of additional resources for state attorneys, public defenders, and local law enforcement.

(ix) The availability and use of case-related support staff and case management policies and practices.

(x) Caseload trends.

(C) The Commission on Trial Court Performance and Accountability shall review the trial court workload trends and case weights and consider adjustments no less than every five years.

(2) *District Courts of Appeal.*

(A) The criteria for determining the need to certify the need for increasing or decreasing the number of judges on a district court of appeal shall include the following factors:

(i) workload factors to be considered include: trends in case filings; trends in changes in case mix; trends in the backlog of cases ready for assignment and disposition; trends in the relative weight of cases disposed on the merits per judge; and changes in statutes, rules of court, and case law that directly or indirectly impact judicial workload.

(ii) efficiency factors to be considered include: a court's ability to stay current with its caseload, as indicated by measurements such as trend in clearance rate; trends in a court's percentage of cases disposed within the time standards set forth in the Rules of General Practice and Judicial Administration and explanation/justification for cases not resolved within the time standards; and a court's utilization of resources,

case management techniques and technologies to maximize the efficient adjudication of cases, research of legal issues, and preparation and distribution of decisions.

(iii) effectiveness factors to be considered include the extent to which each judge has adequate time to: thoroughly research legal issues, review briefs and memoranda of law, participate in court conferences on pending cases, hear and dispose of motions, and prepare correspondence, orders, judgments and opinions; expedite appropriate cases; prepare written opinions when warranted; develop, clarify, and maintain consistency in the law within that district; review all decisions rendered by the court; perform administrative duties relating to the court; and participate in the administration of the justice system through work in statewide committees.

(iv) professionalism factors to be considered include: the extent to which judges report that they have time to participate, including teaching, in education programs designed to increase the competency and efficiency of the judiciary and justice system as well as the competency of lawyers; provide guidance and instruction for the professional development of court support staff; and participate in appropriate activities of the legal profession at both the state and local levels to improve the relationship between the bench and bar, to enhance lawyer professionalism, and to improve the administration of justice.

(B) The court will presume that there is a need for an additional appellate court judgeship in any district for which a request is made and where the relative weight of cases disposed on the merits per judge would have exceeded the weighted case disposition threshold after application of the proposed additional judge(s).

(i) The relative weight of cases disposed on the merits shall be determined based upon case disposition statistics supplied to the state courts administrator by the clerks of the district courts of appeal, multiplied by the relative case weights established pursuant to subdivision (b)(2)(B)(ii), and divided by 100.

(ii) The Commission on District Court of Appeal Performance and Accountability shall review the workload trends of the district courts of appeal and consider adjustments in the relative case weights and the weighted case disposition threshold every four years. Any such recommended adjustment shall be subject to the approval of the supreme court.

(c) Additional Trial Court Workload Factors. Because summary statistics reflective of the above criteria do not fully measure judicial workload, the supreme court will receive and consider, among other things, information about the time to perform and volume of the following activities, which also comprise the judicial workload of a particular jurisdiction:

(1) review appellate court decisions;

(2) research legal issues;

(3) review briefs and memoranda of law;

(4) participate in court conferences on pending cases;

(5) hear and dispose of motions;

(6) prepare correspondence, orders, judgments, and decisional opinions;

(7) review presentence investigative reports and predispositional reports in delinquency and dependency cases;

(8) review petitions and motions for post-conviction relief;

(9) perform administrative duties relating to the court;

(10) participate in meetings with those involved in the justice system;

(11) participate in educational programs designed to increase the competency and efficiency of the judiciary;

(12) preside over problem-solving courts;

(13) use, as well as participate in the development of and training on, technology systems; and

(14) participate in election canvassing boards.

(d) Certification Process. The process by which certification of the need to increase or decrease the number of judges shall include:

(1) The state courts administrator will distribute a compilation of summary statistics and projections to each chief judge at a time designated by the chief justice.

(2) Each chief judge shall submit to the chief justice a request for any increase or decrease in the number of judges in accordance with the following:

(A) Trial Courts. Each chief judge will then consider these criteria, additional workload factors, and summary statistics, and submit to the chief justice a request for any increases or decreases under article V, section 9, of the Florida Constitution that the chief judge feels are required.

(B) District Courts. Each chief judge will then consider the criteria of this rule and the summary statistics; if a new judge is requested, the chief judge shall prepare a report showing the need for a new judge based upon the application of the criteria in this rule.

(i) Any request for a new district court judge shall be submitted to the District Court of Appeal Budget Commission for review and approval.

(ii) The chief judge of a district court of appeal shall submit the report showing the need together with the approval of the District Court of Appeal Budget Commission to the chief justice.

(3) The chief justice and the state courts administrator may then confer with the chief judge and other representatives of the court submitting the request as well as representatives of The Florida Bar and the public to gather additional information and clarification about the need in the particular jurisdiction.

(4) The chief justice will submit recommendations to the supreme court, which will thereafter certify to the legislature its findings and recommendations concerning such need.

(5) The supreme court, in conjunction with the certification process under this rule, shall also consider the necessity for increasing, decreasing, or redefining appellate districts and judicial circuits as required by article V, section 9, of the Florida Constitution and as set forth in Florida Rule of General Practice and Judicial Administration 2.241.

Court Commentary

1983 Adoption. Article V, section 9, of the Florida Constitution authorizes the establishment, by rule, of uniform criteria for the determination of the need for additional judges, except supreme court justices, the necessity for decreasing the number of judges and for increasing, decreasing, or redefining appellate districts and judicial circuits. Each year since the adoption of article V in 1972, this court, pursuant to section 9, has certified its determination of need to the legislature based upon factors and criteria set forth in our certification decisions. This rule is intended to set forth criteria and workload factors previously developed, adopted, and used in this certification process, as summarized and specifically set forth in *In re Certificate of Judicial Manpower*, 428 So. 2d 229 (Fla. 1983); *In re Certificate of Judicial Manpower*, 396 So. 2d 172 (Fla. 1981); and *In re Certification*, 370 So. 2d 365 (Fla. 1979).

2004 Amendment. Subdivision (b)(2) was amended to provide more specific criteria and workload factors to be used in determining the need for increasing or decreasing the number of judges on the District Courts of Appeal. In addition, the caseload level at which the court will presume that there is a need for an

additional appellate judge has been increased from 250 to 350 filings per judge.

2006 Amendment. Subdivision (a) is amended to be consistent with the 2006 adoption of rule 2.036 [renumbered as 2.241 in 2006] relating to the criteria for determining the necessity and for increasing, decreasing, or redefining appellate districts and judicial circuits, pursuant to article V, section 9, Florida Constitution. The Court adopts the Commission on District Court of Appeal Performance and Accountability's conclusion that a single case filing threshold is insufficient to capture the intricacies that make up judicial workload in the district courts. The Commission's alternative to the 350-filings-per-judge threshold is a weighted case dispositions per judge, which the Commission determined to be a meaningful measure of judicial workload.

The relative weighted caseload is determined by surveying a representative sample of judges on the relative degree of judicial effort put into each category of cases based upon an agreed typical case having a value of 100. Each category was assigned a relative weight number based upon the statewide average of the weight calculated through the survey. These weights were then applied to each court's dispositions on the merits to determine the weighted caseload value and divided by 100.

This approach accommodates the important distinction between the number of cases filed and the judicial effort required to dispose of those cases. While the number of cases continues to increase, trends in the types of cases filed have dramatically changed the nature of the work that the district court judges handle. The weighted caseload approach not only accommodates the differences in types of cases by measuring their relative workload demands for judges, but it also accommodates the work performed by legal support staff.

Subdivision (b)(2)(B) establishes a presumption that the relative weight of cases disposed on the merits should fall below 280 per judge. Chief judges must consider the impact that the addition of a judge would have on this measure when applied to their courts' dispositions on the merits for the previous year.

Every four years the Commission will measure the relative judicial effort associated with the cases disposed on the merits for the year immediately preceding. This will be accomplished by asking a representative sample of judges to approximate the relative weight of cases in relation to a mid-ranked case. The resulting weights will then be applied to each court's dispositions on the merits to determine the weighted caseload value per judge.

2013 Amendment. Subdivision (d)(5) was added to ensure the certification process under rule 2.240(d) is conducted in conjunction with the related process for determinations regarding increases, decreases, or redefinition of appellate districts and judicial circuits under Florida Rule of Judicial Administration 2.241.

RULE 2.241. DETERMINATION OF THE NECESSITY TO INCREASE, DECREASE, OR REDEFINE JUDICIAL CIRCUITS AND APPELLATE DISTRICTS

(a) Purpose. The purpose of this rule is to establish uniform criteria for the supreme court's determination of the necessity for increasing, decreasing, or redefining judicial circuits and appellate districts as required by article V, section 9, of the Florida Constitution. This rule also provides for an assessment committee and a certification process to assist the court in certifying to the legislature its findings and recommendations concerning such need.

(b) Certification Process. A certification process shall be completed in conjunction with the supreme court's annual determination regarding the need for judges under Florida Rule of General Practice and Judicial Administration 2.240(d) and in accordance with the following:

(1) The supreme court shall certify a necessity to increase, decrease, or redefine judicial circuits and appellate districts when it determines that the judicial process is adversely affected by circumstances that present a compelling need for the certified change.

(2) The supreme court may certify a necessity to increase, decrease, or redefine judicial circuits and appellate districts when it determines that the judicial process would be improved significantly by the certified change.

(3) The state courts administrator will distribute a compilation of summary statistics and projections to each chief judge at a time designated by the chief justice.

(4) Each chief judge shall consider criteria as may apply under rules 2.241(c) and 2.241(d), as well as any other relevant factors, and shall inform the chief justice of any perceived need to increase, decrease, or redefine the state's judicial circuits or appellate districts.

(5) Having been advised in these matters by the chief justice and taking into consideration other relevant factors, the supreme court, finding cause for further inquiry, may appoint an assessment committee to consider the capacity of the courts to effectively fulfill their constitutional and statutory responsibilities as well as any attendant need to increase, decrease, or redefine appellate districts and judicial circuits.

(6) If an assessment committee is appointed, the committee shall confer with the chief judges and other representatives of appellate districts and judicial circuits, district court of appeal and/or trial court budget commissions, The Florida Bar, and the public for purposes of gathering additional information regarding matters within its charge and shall submit written recommendations to the supreme court.

(7) The supreme court shall consider the assessment committee's recommendations within a timeframe it deems appropriate.

(8) Whether or not an assessment committee is appointed, the supreme court shall balance the potential impact and disruption caused by changes in judicial circuits and appellate districts against the need to address circumstances that limit the quality and efficiency of, and public confidence in, the judicial

process. Given the impact and disruption that can arise from any alteration in judicial structure, prior to recommending a change in judicial circuits or appellate districts, the supreme court shall consider less disruptive adjustments including, but not limited to, the addition of judges, the creation of branch locations, geographic or subject-matter divisions within judicial circuits or appellate districts, deployment of new technologies, and increased ratios of support staff per judge.

(c) Criteria for Judicial Circuits. The following criteria shall be considered when determining the necessity for increasing, decreasing, or redefining judicial circuits as required by article V, section 9, of the Florida Constitution:

(1) *Effectiveness.* Factors to be considered for this criterion include the extent to which each court:

(A) expedites appropriate cases;

(B) handles its workload in a manner permitting its judges to prepare written decisions when warranted;

(C) is capable of accommodating changes in statutes or case law impacting workload or court operations; and

(D) handles its workload in a manner permitting its judges to serve on committees for the judicial system.

(2) *Efficiency.* Factors to be considered for this criterion are the extent to which each court:

(A) stays current with its caseload, as indicated by measurements such as the clearance rate;

(B) adjudicates a high percentage of its cases within the time standards set forth in the Rules of General Practice and Judicial Administration and has adequate procedures to ensure efficient, timely disposition of its cases; and

(C) uses its resources, case management techniques, and technologies to improve the efficient adjudication of cases, research of legal issues, and issuance of decisions.

(3) *Access to Courts.* Factors to be considered for this criterion are the extent to which:

(A) litigants, including self-represented litigants, have meaningful access consistent with due process; and

(B) decisions of a court are available in a timely and efficient manner.

(4) *Professionalism.* Factors to be considered for this criterion are the extent to which each court:

(A) handles workload issues in a manner permitting its judges adequate time and resources to participate in continuing judicial education and to stay abreast of the law in order to maintain a qualified judiciary;

(B) is capable of recruiting and retaining qualified staff; and

(C) affords staff adequate time to participate in continuing education and specialized training.

(5) *Public Trust and Confidence.* Factors to be considered for this criterion are the extent to which each court:

(A) handles workload in a manner permitting its judges adequate time for community involvement;

(B) affords access to open court and other public proceedings for the general public;

(C) fosters public trust and confidence given its geography and demographic composition; and

(D) attracts a diverse group of well-qualified applicants for judicial vacancies, including applicants from all counties within the circuit.

(6) *Additional criteria.* Such other factors as are regularly considered when making a determination with respect to the need for additional judges under Florida Rule of General Practice and Judicial Administration 2.240(b)(1) and (c).

(d) Criteria for District Courts. The following criteria shall be considered when determining the necessity for increasing, decreasing, or redefining appellate districts as required by article V, section 9, of the Florida Constitution:

(1) *Effectiveness.* Factors to be considered for this criterion are the extent to which each court:

(A) expedites appropriate cases;

(B) handles workload in a manner permitting its judges to prepare written opinions when warranted;

(C) functions in a collegial manner;

(D) handles workload in a manner permitting its judges to develop, clarify, and maintain consistency in the law within that district, including consistency between written opinions and per curiam affirmances without written opinions;

(E) handles its workload in a manner permitting its judges to harmonize decisions of their court with those of other district courts or to certify conflict when appropriate;

(F) handles its workload in a manner permitting its judges to have adequate time to review all decisions rendered by the court;

(G) is capable of accommodating changes in statutes or case law impacting workload or court operations; and

(H) handles its workload in a manner permitting its judges to serve on committees for the judicial system.

(2) *Efficiency.* Factors to be considered for this criterion are the extent to which each court:

(A) stays current with its caseload, as indicated by measurements such as the clearance rate;

(B) adjudicates a high percentage of its cases within the time standards set forth in the Rules of General Practice and Judicial Administration and has adequate procedures to ensure efficient, timely disposition of its cases; and

(C) uses its resources, case management techniques, and other technologies to improve the efficient adjudication of cases, research of legal issues, and preparation and distribution of decisions.

(3) *Access to Appellate Review.* Factors to be considered for this criterion are the extent to which:

(A) litigants, including self-represented litigants, have meaningful access to a district court for mandatory and discretionary review of cases, consistent with due process;

(B) litigants are afforded efficient access to the court for the filing of pleadings and for oral argument when appropriate; and

(C) orders and opinions of a court are available in a timely and efficient manner.

(4) *Professionalism.* Factors to be considered for this criterion are the extent to which each court:

(A) handles its workload in a manner permitting its judges adequate time and resources to participate in continuing judicial education opportunities and to stay abreast of the law in order to maintain a qualified judiciary;

(B) is capable of recruiting and retaining qualified staff; and

(C) affords staff adequate time to participate in continuing education and specialized training.

(5) *Public Trust and Confidence.* Factors to be considered for this criterion are the extent to which each court:

(A) handles its workload in a manner permitting its judges adequate time for community involvement;

(B) provides adequate access to oral arguments and other public proceedings for the general public within its district;

(C) fosters public trust and confidence given its geography and demographic composition; and

(D) attracts diverse group of well-qualified applicants for judicial vacancies, including applicants from all circuits within the district.

(e) Results of determination. Only upon the supreme court's finding that a need exists for increasing, decreasing, or redefining appellate districts and judicial circuits, shall the court, acting prior to the next regular session of the legislature, certify to the legislature its findings and recommendations concerning such need.

Committee Notes

District Court of Appeal Workload and Jurisdiction Committee Notes 2006 Adoption. Article V, section 9 of the Florida constitution states that:

The supreme court shall establish by rule uniform criteria for the determination of the need for additional judges except supreme court justices, the *necessity* for decreasing the number of judges and for increasing, decreasing or redefining appellate districts. If the supreme court finds that a *need* exists for . . . increasing,

decreasing or redefining appellate districts . . . , it shall, prior to the next regular session of the legislature, certify to the legislature its findings and recommendations concerning such need.

(Emphasis added.) Thus, the constitution uses only "need" when describing the uniform criteria for certifying additional judges, but uses both "necessity" and "need" when describing the uniform criteria for increasing, decreasing, or redefining appellate districts. The supreme court has never determined whether this language compels differing tests for the two certifications. Subdivision (c) of this rule uses the phrase "certify a necessity." The Committee on District Court of Appeal Workload and Jurisdiction determined that the two standards set forth in that subdivision recognize the supreme court's obligation to recommend a change to the structure of the district courts when circumstances reach the level of necessity that compels a change, but also recognize the court's discretion to recommend a change to the structure of the district courts when improvements are needed.

The criteria set forth in this rule are based on studies of the workload, jurisdiction, and performance of the appellate courts, and the work of the Committee on District Court of Appeal Workload and Jurisdiction in 2005. In establishing these criteria, substantial reliance was placed on empirical research conducted by judicial branch committees and on other statistical data concerning cases, caseloads, timeliness of case processing, and manner for disposition of cases, collected by the Office of the State Courts Administrator Office as required by section 25.075, Florida Statutes (2004), and Florida Rule of Judicial Administration 2.030(e)(2).

The workload and jurisdiction committee considered the impact of computer technology on appellate districts. It is clear that, at this time or in the future, technology can be deployed to allow litigants efficient access to a court for filing of pleadings and for participation in oral argument, and that it can expand the general public's access to the courts. It is possible that technology will substantially alter the appellate review process in the future and that appellate courts may find that technology permits or even requires different districting techniques. This rule was designed to allow these issues to be addressed by the assessment committee

and the supreme court without mandating any specific approach.

The five basic criteria in subdivision (d) are not listed in any order of priority. Thus, for example, the workload and jurisdiction committee did not intend efficiency to be a more important criterion than engendering public trust and confidence.

Subdivision (d)(2)(A) recognizes that the court currently provides the legislature with an annual measurement of the appellate courts' "clearance rate," which is the ratio between the number of cases that are resolved during a fiscal year and the new cases that are filed during the same period. Thus, a clearance rate of one hundred percent reflects a court that is disposing of pending cases at approximately the same rate that new cases arrive. Given that other measurements may be selected in the future, the rule does not mandate sole reliance on this measurement.

Subdivision (d)(5)(E) recognizes that a district court's geographic territory may be so large that it limits or discourages applicants for judicial vacancies from throughout the district and creates the perception that a court's judges do not reflect the makeup of the territory.

Court Commentary

2013 Amendment. The rule has been amended so the supreme court's annual certification process will include an analysis of the need to increase, decrease, or redefine judicial circuits. The requirement for an assessment committee to analyze, once every eight years, the capacity of the district courts to fulfill their duties has been deleted. Instead, the chief judges of the trial and appellate courts will review annual statistics provided by the state courts administrator, along with the criteria set forth in the rule and any other relevant factors, and inform the chief justice of any perceived need. Taking these and other concerns into consideration, the supreme court may appoint an assessment committee to make further inquiry. If an assessment committee is appointed, the supreme court will consider the committee's recommendations and will certify to the legislature its own findings and recommendations concerning such need.

RULE 2.244. JUDICIAL COMPENSATION

(a) Statement of Purpose. The purpose of this rule is to set forth the official policy of the judicial branch of state government concerning the appropriate salary relationships between justices and judges at the various levels of the state courts system and the mechanism for advancing judicial compensation and benefits issues. Although ultimate discretion in establishing judicial compensation is vested in the Florida Legislature, the salary relationships referenced in this rule reflect the policy of the judicial branch when requesting adjustments to judicial salaries.

(b) Annual Salaries. The annual salary of a district court of appeal judge should be equal to 95 percent of the annual salary of a supreme court justice. The annual salary of a circuit court judge should be equal to 90 percent of the annual salary of a supreme court justice. The annual salary of a county court judge should be equal to 85 percent of the annual salary of a supreme court justice.

(c) Unified Committee on Judicial Compensation.

(1) *Creation.* There shall be created a Unified Committee on Judicial Compensation to address judicial pay and benefits issues.

(2) *Purpose.* The purpose of the Unified Committee on Judicial Compensation shall be to:

(A) develop and recommend to the supreme court judicial pay and benefits priorities; and

(B) advocate for judicial pay and benefits issues approved by the supreme court for inclusion in the annual judicial branch budget request.

(3) *Membership.* The membership shall include the chief justice of the supreme court, the presidents and presidents-elect of the Conference of District Court of Appeal Judges, the Conference of Circuit Court Judges, and the Conference of County

Court Judges, and the chairs and vice-chairs of the District Court Budget Commission and the Trail Court Budget Commission.

(4) *Staffing.* The Office of the State Courts Administrator will provide primary staff support to the committee.

RULE 2.245. CASE REPORTING SYSTEM FOR TRIAL COURTS

(a) Reporting. The clerk of the circuit court shall report the activity of all cases before all courts within the clerk's jurisdiction to the supreme court in the manner and on the forms established by the office of the state courts administrator and approved by order of the court. In those jurisdictions where separate offices of the clerk of the circuit court and clerk of the county court have been established by law, the clerk of the circuit court shall report the activity of all cases before the circuit court, and the clerk of the county court shall report the activity of all cases before the county court.

(b) Uniform Case Numbering System.

(1) The clerk of the circuit court and the clerk of the county court, where that separate office exists, shall use the Uniform Case Numbering System. The uniform case number shall appear upon the case file, the docket and minute books (or their electronic equivalent), and the complaint.

(2) The office of the state courts administrator shall distribute to the respective clerks of the circuit and county courts appropriate instructions regarding the nature and use of the Uniform Case Numbering System.

RULE 2.250. TIME STANDARDS FOR TRIAL AND APPELLATE COURTS AND REPORTING REQUIREMENTS

(a) Time Standards. The following time standards are hereby established as a presumptively reasonable time period for the completion of cases in the trial and appellate courts of this state. It is recognized that there are cases that, because of their

complexity, present problems that cause reasonable delays. However, most cases should be completed within the following time periods:

(1) *Trial Court Time Standards.*

(A) Criminal.

Felony — 180 days (arrest to final disposition)

Misdemeanor — 90 days (arrest to final disposition)

(B) Civil.

Jury cases — 18 months (filing to final disposition)

Non-jury cases — 12 months (filing to final disposition)

Small claims — 95 days (filing to final disposition)

(C) Domestic Relations.

Uncontested — 90 days (filing to final disposition)

Contested — 180 days (filing to final disposition)

(D) Probate.

Uncontested, no federal estate tax return — 12 months (from issuance of letters of administration to final discharge)

Uncontested, with federal estate tax return — 12 months (from the return's due date to final discharge)

Contested — 24 months (from filing to final discharge)

(E) Juvenile Delinquency.

Disposition hearing — 120 days (filing of petition or child being taken into custody to hearing)

Disposition hearing (child detained) — 36 days (date of detention to hearing)

(F) Juvenile Dependency.

Disposition hearing (child sheltered) — 88 days (shelter hearing to disposition)

Disposition hearing (child not sheltered) — 120 days (filing of petition for dependency to hearing)

(G) Permanency Proceedings.

Permanency hearing — 12 months (date child is sheltered to hearing)

(2) *Supreme Court and District Courts of Appeal Time Standards:* Rendering a decision — within 180 days of either oral argument or the submission of the case to the court panel for a decision without oral argument, except in juvenile dependency or termination of parental rights cases, in which a decision should be rendered within 60 days of either oral argument or submission of the case to the court panel for a decision without oral argument.

(3) *Florida Bar Referee Time Standards:* Report of referee — within 180 days of being assigned to hear the case

(4) *Circuit Court Acting as Appellate Court:*

Ninety days from submission of the case to the judge for review

(b) Reporting of Cases. The time standards require that the following monitoring procedures be implemented:

All pending cases in circuit and district courts of appeal exceeding the time standards shall be listed separately on a report submitted quarterly to the chief justice. The report shall include for

each case listed the case number, type of case, case status (active or inactive for civil cases and contested or uncontested for domestic relations and probate cases), the date of arrest in criminal cases, and the original filing date in civil cases. The Office of the State Courts Administrator will provide the necessary forms for submission of this data. The report will be due on the 15th day of the month following the last day of the quarter.

RULE 2.255. STATEWIDE GRAND JURY

(a) Procedure. The chief judge of each judicial circuit shall cause a list of those persons whose names have been drawn and certified for jury duty in each of the counties within that circuit to be compiled. The lists shall be taken from the male and female population over the age of 18 years and having the other constitutional and statutory qualifications for jury duty in this state not later than the last day of the first week of December of each year. From the lists so compiled, the chief judge shall cause to be selected, by lot and at random, and by any authorized method including mechanical, electronic, or electrical device, a list of prospective grand jurors from each county whose number shall be determined on the basis of 3 jurors for each 3,000 residents or a fraction thereof in each county. The lists from which the names are drawn may be, but are not required to be, the same lists from which petit and grand juries are drawn in each county and circuit. After compilation, the statewide grand jury lists shall be submitted to the state courts administrator not later than February 15 of each year.

(b) Population. For the purposes of this rule, the population of each county shall be in accordance with the latest United States Decennial Census as set forth in the Florida Statutes.

(c) Excuses.

(1) The judge appointed to preside over the statewide grand jury may issue an order appointing the chief judge of the judicial circuit where a prospective grand juror resides to determine whether service on the statewide grand jury will result in an unreasonable personal or financial hardship because of the location or projected length of the grand jury investigation.

(2) The chief judge of the circuit shall determine whether a prospective grand juror fails to meet the qualifications of a juror in the county where the person resides. The determination shall be made only for those prospective grand jurors who contact the chief judge and request disqualification.

(3) The chief judge of the circuit shall excuse any prospective grand juror who requests and is qualified for exemption from grand jury service pursuant to general law, or from service as a juror in the county where the person resides. The chief judge shall inform the judge appointed to preside over the statewide grand jury without delay of any determination.

RULE 2.256. JUROR TIME MANAGEMENT

(a) Optimum Use. The services of prospective jurors should be employed so as to achieve optimum use with a minimum of inconvenience to jurors.

(b) Minimum Number. A minimally sufficient number of jurors needed to accommodate trial activity should be determined. This information and appropriate management techniques should be used to adjust both the number of individuals summoned for jury duty and the number assigned to jury panels, consistent with any administrative orders issued by the Chief Justice.

(c) Assignment. Each prospective juror who has reported for jury duty should be assigned for voir dire before any prospective juror is assigned a second time.

(d) Calendar Coordination. Jury management and calendar management should be coordinated to make effective use of jurors.

RULE 2.260. CHANGE OF VENUE

(a) Preliminary Procedures. Prior to entering an order to change venue to a particular circuit in a criminal case or in any other case in which change of venue will likely create an unusual burden for the transferee circuit, the chief judge in the circuit in which the case originated shall contact the chief judge in the circuit

to which the case is intended to be moved to determine the receiving county's ability to accommodate the change of venue. It is the intent of this rule that the county identified to receive the case shall do so unless the physical facilities or other resources in that county are such that moving the case to that county would either create an unsafe situation or adversely affect the operations of that court. Any conflict between the circuits regarding a potential change of venue shall be referred to the chief justice of the Florida Supreme Court for resolution.

(b) Presiding Judge. The presiding judge from the originating court shall accompany the change of venue case, unless the originating and receiving courts agree otherwise.

(c) Reimbursement of Costs. As a general policy the county in which an action originated shall reimburse the county receiving the change of venue case for any ordinary expenditure and any extraordinary but reasonable and necessary expenditure that would not otherwise have been incurred by the receiving county. For purposes of this section, ordinary expenditure, extraordinary expenditure, and nonreimbursable expenditure are defined as follows:

(1) Ordinary expenditures include:

(A) juror expenses not reimbursed by the State of Florida;

(B) court reporter expenses, including appearances by either official or freelance reporters, transcripts, and other expenses associated with the creation of a court record;

(C) court interpreters;

(D) maintenance of evidence, including the cost of handling, storing, or maintaining the evidence beyond the expenses normally incurred by the receiving county;

(E) services and supplies purchased as a result of the change of venue;

(F) overtime expenditures for regular court and clerk staff attributable to the change of venue; and

(G) trial-related expenses, including conflict attorney fees; all expert, law enforcement, or ordinary witness costs and expenses; and investigator expenses.

(2) Extraordinary but reasonable and necessary expenses include:

(A) security-related expenditures, including overtime for security personnel;

(B) facility remodeling or renovation; and

(C) leasing or renting of space or equipment.

Except in emergencies or unless it is impracticable to do so, a receiving county should give notice to the chief judge and clerk of the county in which the action originated before incurring any extraordinary expenditures.

(3) Nonreimbursable expenses include:

(A) normal operating expenses, including the overhead of the receiving county; and

(B) equipment that is purchased and kept by the receiving county that can be used for other purposes or cases.

(d) Documentation of Costs. No expenses shall be submitted for reimbursement without supporting documentation, such as a claim, invoice, bill, statement, or time sheet. Any required court order or approval of costs shall also be sent to the originating court.

(e) Timing of Reimbursement. Unless both counties agree to other terms, reimbursement of all expenses by the originating county shall be paid or disputed in writing on or before the sixtieth day after the receipt of the claim for reimbursement. Payment of a disputed amount shall be made on or before the sixtieth day after

the resolution of this dispute. Any amount subject to dispute shall be expeditiously resolved by authorized representatives of the court administrator's office of the originating and receiving counties.

(f) Media Relations. Procedures to accommodate the media shall be developed by the receiving county immediately upon notice of the change of venue when the change of venue is reasonably expected to generate an unusual amount of publicity. These procedures must be approved by the chief judge of the receiving circuit and implemented pursuant to administrative order by the presiding judge. The presiding judge shall obtain the concurrence of the chief judge before entering any orders that vary from or conflict with existing administrative orders of the receiving circuit.

(g) Case File. The clerk of the circuit court in the originating county shall forward the original case file to the clerk in the receiving county. The receiving clerk shall maintain the file and keep it secure until the trial has been concluded. During the trial, any documents or exhibits that have been added shall be properly marked and added to the file in a manner consistent with the policy and procedures of the receiving county. After the conclusion of the trial, the file shall be returned to the clerk in the county of origin.

RULE 2.265. MUNICIPAL ORDINANCE VIOLATIONS

(a) References to Abolished Municipal Courts. All references to a municipal court or municipal judge in rules promulgated by the supreme court, in the Florida Statutes, and in any municipal ordinance shall be deemed to refer, respectively, to the county court or county court judge.

(b) Costs in County Courts. The chief judge of a circuit shall by administrative order establish a schedule of costs, in conformity with any provisions of law, to be assessed against a defendant in the county court and paid to the county for violations of municipal ordinances which are prosecuted in county court. The costs shall be assessed as a set dollar amount per conviction, not to exceed $50 excluding any other statutory costs.

(c) Collection of Outstanding Fines. All cases for which outstanding fines, civil penalties, and costs are being collected by a municipality shall be retained by the municipality until collected or until the offender defaults on payment. If a default occurs, the municipality may institute summary claims proceedings to collect the outstanding fines.

(d) Style of Municipal Ordinance Cases. All prosecutions for violations of municipal ordinances in county court shall have the following style: City of ..... v. .....

RULE 2.270. SUPREME COURT COMMITTEES ON STANDARD JURY INSTRUCTIONS

(a) Creation and Authority. The supreme court created the Supreme Court Committee on Standard Jury Instructions in Civil Cases, the Supreme Court Committee on Standard Jury Instructions in Criminal Cases (with responsibility for the standard jury instructions in criminal and in involuntary civil commitment of sexually violent predator cases and for the grand jury instructions), and the Supreme Court Committee on Standard Jury Instructions in Contract and Business Cases to serve as standing committees responsible for preparing standard jury instructions for use in their respective case types. *See In re Standard Jury Instructions*, 198 So. 2d 319, 320 (Fla. 1967); *In re Standard Jury Instructions in Criminal Cases*, 240 So. 2d 472, 474 (Fla. 1970); *In re Supreme Court Committee on Standard Jury Instruction—Contract and Business Cases*, Fla. Admin. Order No. AOSC06-47 (Sept. 15, 2006). This rule authorizes those committees to develop and approve new and amended standard jury instructions to be published for use in the committees' respective case types. Standard jury instructions approved for publication and use under this rule are not approved or otherwise specifically authorized for use by the supreme court and their approval under this rule shall not be construed as an adjudicative determination on the legal correctness of the instructions, which must await an actual case and controversy.

(b) Responsibilities. The standing supreme court committees on standard jury instructions are charged with the following responsibilities:

(1) Developing and approving for publication and use, in the committees' respective case types, new and amended standard jury instructions in response to statutory changes, judicial decisions, or other events that affect the presentation of those case types to juries.

(2) Continuously reviewing the standard jury instruction, in the committees' respective case types, for errors or inaccuracies and amending the instructions as necessary to correct any error or inaccuracies found.

(3) Addressing specific requests from the supreme court concerning the need for new or amended standard jury instructions.

(4) Considering modified instructions given by a trial court sent to a committee as required by rule 2.580 to determine whether amendments to the standard jury instructions are warranted.

(5) Considering changes to the standard jury instructions suggested to the committee by judges, members of the Bar, and other interested persons.

(c) Procedures. Each committee on standard jury instructions shall adopt operating procedures necessary to carry out its responsibilities. The operating procedures must comply with the following requirements, which shall govern the development and approval of standard jury instructions under this rule:

(1) All new and amended standard jury instructions being considered by a committee must be published for comment on the jury instructions page of The Florida Bar's website and in *The Florida Bar News*. The committee must consider all comments received before taking a final vote on the changes.

(2) If the committee makes substantial revisions to a new or amended instruction that was published for comment, the revisions also must be published for comment in accordance with subdivision (c)(1) of this rule. Minor revisions to a published instruction change may be made without republication.

(3) A two-thirds committee vote in favor of a new or amended standard instruction is required before an instruction may be considered approved for publication and use.

(4) The committees may establish subcommittees as necessary to carry out their responsibilities. However, new or amended standard instructions recommended by a subcommittee must be voted on by the committee before they are considered approved for publication and use.

(d) Membership and Organization.

(1) Each supreme court committee on standard jury instructions shall be composed of up to 36 members appointed by the chief justice, for staggered three-year terms, as follows:

(A) The membership of each committee shall include at least one-third current or former district, circuit, or county court judges. The remainder of the members shall be attorneys who are in good standing with The Florida Bar, with a balance in the various practice areas addressed by the committee to which the attorney members are being appointed.

(B) A committee member may serve no more than two consecutive three-year terms, unless:

(i) a committee determines that it is in the best interest of the committee for a member to serve an additional term; or

(ii) additional slots remain open due to lack of applications to the committee.

(C) The chief justice shall appoint 1 member of each committee to serve as chair and 1 member to serve as vice-chair, each for a one-year term subject to reappointment.

(e) Staff Support.

(1) *The Florida Bar.* The Florida Bar will provide staff support for the Supreme Court Committee on Standard Jury Instructions in Civil Cases and the Supreme Court committee on Standard Jury Instructions in Contract and Business Cases.

(2) *The Office of the State Courts Administrator.* The Office of the State Courts Administrator will provide staff support for the Supreme Court Committee on Standard Jury Instructions in Criminal Cases.

(f) Publication of Approved Instructions. All standard jury instructions approved for publication and use under this rule shall be published on the jury instructions page of The Florida Bar's website.

PART III. JUDICIAL OFFICERS

RULE 2.310. JUDICIAL DISCIPLINE, REMOVAL, RETIREMENT, AND SUSPENSION

(a) Filing. Any recommendations to the supreme court from the Judicial Qualifications Commission pursuant to article V, section 12, of the Florida Constitution shall be in writing. The original and 7 copies shall be filed with the clerk of the court, and a copy shall be served expeditiously on the justice or judge against whom action is sought.

(b) Procedure.

(1) Promptly upon the filing of a recommendation from the commission, the court shall determine whether the commission's recommendation complies with all requirements of the constitution and the commission's rules. Upon determining that the recommendation so complies, and unless the court otherwise

directs, an order shall issue directing the justice or judge to show cause in writing why the recommended action should not be taken.

(2) The justice or judge may file a response in writing within the time set by the court in its order to show cause, and the commission may serve a reply within 20 days from service of the response.

(3) If requested by the commission, or by a justice or judge at the time of filing a response, the court may allow oral argument on the commission's recommendation.

(c) Costs. The supreme court may award reasonable and necessary costs, including costs of investigation and prosecution, to the prevailing party. Neither attorneys' fees nor travel expenses of commission personnel shall be included in an award of costs. Taxable costs may include:

(1) court reporters' fees, including per diem fees, deposition costs, and costs associated with the preparation of the transcript and record; and

(2) witness expenses, including travel and out-of-pocket expenses.

RULE 2.320. CONTINUING JUDICIAL EDUCATION

(a) Purpose. This rule sets forth the continuing education requirements for all judges in the state judicial system.

(b) Education Requirements.

(1) *Applicability.* All Florida county, circuit, and appellate judges and Florida supreme court justices shall comply with these judicial education requirements. Retired judges who have been approved by the supreme court to be assigned to temporary active duty as authorized by section 25.073, Florida Statutes (1991), shall also comply with the judicial education requirements.

(2) *Minimum Requirements.* Each judge and justice shall complete a minimum of 30 credit hours of approved judicial education programs every 3 years. Beginning January 1, 2012, 4 hours must be in the area of judicial ethics; prior to that date, 2 hours in the area of judicial ethics are required. Approved courses in fairness and diversity also can be used to fulfill the judicial ethics requirement. In addition to the 30-hour requirement, every judge new to a level of trial court must complete the Florida Judicial College program in that judge's first year of judicial service following selection to that level of court; every new appellate court judge or justice must, within 2 years following selection to that level of court, complete an approved appellate-judge program. Every new appellate judge who has never been a trial judge or who has never attended Phase I of the Florida Judicial College as a magistrate must also attend Phase I of the Florida Judicial College in that judge's first year of judicial service following the judge's appointment. Credit for teaching a course for which mandatory judicial education credit is available will be allowed on the basis of 2 1/2 hours' credit for each instructional hour taught, up to a maximum of 5 hours per year.

(3) *Mediation Training.* Prior to conducting any mediation, a senior judge shall have completed a minimum of one judicial education course offered by the Florida Court Education Council. The course shall specifically focus on the areas where the Code of Judicial Conduct or the Florida Rules for Certified and Court-Appointed Mediators could be violated.

(c) Course Approval. The Florida Court Education Council, in consultation with the judicial conferences, shall develop approved courses for each state court jurisdiction. Courses offered by other judicial and legal education entities must be approved by the council before they may be submitted for credit.

(d) Waiver. The Florida Court Education Council is responsible for establishing a procedure for considering and acting upon waiver and extension requests on an individual basis.

(e) Reporting Requirements and Sanctions. The Florida Court Education Council shall establish a procedure for reporting annually to the chief justice on compliance with this rule. Each

judge shall submit to the Court Education Division of the Office of the State Courts Administrator an annual report showing the judge's attendance at approved courses. Failure to comply with the requirements of this rule will be reported to the chief justice of the Florida supreme court for such administrative action as deemed necessary. The chief justice may consider a judge's or justice's failure to comply as neglect of duty and report the matter to the Judicial Qualifications Commission.

RULE 2.330. DISQUALIFICATION OF TRIAL JUDGES

(a) Application. This rule applies only to county and circuit judges in all matters in all divisions of court when acting alone as the sole judicial officer in a trial or appellate proceeding. It does not apply to justices, appellate-level judges, or county and circuit judges sitting on a multi-judge appellate panel.

(b) Parties. Any party, including the state, may move to disqualify the judge assigned to the case on grounds provided by rule, statute, Code of Judicial Conduct, or general law, and in accordance with the procedural provisions of this rule.

(c) Motion. A motion to disqualify shall:

(1) be in writing;

(2) allege specifically the facts and reasons upon which the movant relies as the grounds for disqualification, and identify the precise date when the facts constituting the grounds for the motion were discovered by the party or the party's counsel, whichever is earlier;

(3) be sworn to or affirmed by the party by signing the motion or by attaching a separate affidavit;

(4) include the dates of all previously granted motions to disqualify filed under this rule in the case and the dates of the orders granting those motions; and

(5) include a separate certification by the attorney for the party, if any, that the motion and the client's statements are made in good faith.

(d) Service. In addition to filing with the clerk, the movant shall promptly serve a copy of the motion on the subject judge as set forth in rule 2.516.

(e) Grounds. A motion to disqualify shall set forth all specific and material facts upon which the judge's impartiality might reasonably be questioned, including but not limited to the following circumstances:

(1) the party reasonably fears that he or she will not receive a fair trial or hearing because of specifically described prejudice or bias of the judge; or

(2) the judge, the judge's spouse or domestic partner, or a person within the third degree of relationship to either of them, or the spouse of domestic partner of such a person:

(A) has more than a *de minimis* economic interest in the subject matter in controversy or is a party to the proceeding, or an officer, director, or trustee of a party;

(B) is acting as a lawyer in the proceeding;

(C) has more than a *de minimis* interest that could be substantially affected by the proceeding; or

(D) is likely to be a material witness or expert in the proceeding.

(3) The judge served as a lawyer or was the lower court judge in the matter in controversy, or a lawyer with whom the judge previously practiced law served during such association as a lawyer concerning the matter; or

(4) The judge has prior personal knowledge of or bias regarding disputed evidentiary facts concerning the proceeding.

(f) Prohibition against Creation of Grounds for Disqualification Based Upon Appearance of Substitute or Additional Counsel. Upon the addition of new substitute counsel or additional counsel in a case, the party represented by such newly appearing counsel is prohibited from filing a motion for disqualification of the judge based upon the new attorney's involvement in the case. This subdivision shall not apply, however, to a motion to disqualify a successor judge who was not the presiding judge at the time of the new attorney's first appearance in the case.

(g) Time. A motion to disqualify shall be filed within a reasonable time not to exceed 20 days after discovery by the party or party's counsel, whichever is earlier, of the facts constituting the grounds for the motion. The motion shall be promptly served on the subject judge as set forth in subdivision (d). Any motion for disqualification made during a hearing or trial must be based on facts discovered during the hearing or trial and may be stated on the record, provided that it is also promptly reduced to writing in compliance with subdivision (c)(1) and promptly filed. A motion made during hearing or trial shall be ruled on immediately.

(h) Determination — Initial Motion. The judge against whom an initial motion to disqualify under subdivision (e) is directed may determine only the legal sufficiency of the motion and shall not pass on the truth of the facts alleged. If any motion is legally insufficient, an order denying the motion shall immediately be entered. No other reason for denial shall be stated, and an order of denial shall not take issue with the motion. If the motion is legally sufficient, the judge shall immediately enter an order granting disqualification and proceed no further in the action. Such an order does not constitute acknowledgement that the allegations are true.

(i) Determination — Successive Motions. If a judge has been previously disqualified on motion for alleged prejudice or partiality under subdivision (e), a successor judge cannot be disqualified based on a successive motion by the same party unless the successor judge rules that he or she is in fact not fair or

impartial in the case. Such a successor judge may rule on the truth of the facts alleged in support of the motion.

(j) Prior Rulings. Prior factual or legal rulings by a disqualified judge may be reconsidered and vacated or amended by a successor judge based upon a motion for reconsideration, which must be filed within 30 days of the order of disqualification, unless good cause is shown for a delay in moving for reconsideration or other grounds for reconsideration exist.

(k) Recusal Upon Judge's Initiative. Nothing in this rule limits the judge's authority to enter an order of recusal.

(*l*) Time for Determination. The judge against whom the motion for disqualification has been filed shall take action on the motion immediately, but no later than 30 days after the service of the motion as set forth in subdivision (d). If the motion is not denied within 30 days of service, the motion is deemed granted and the moving party may seek an order from the court directing the clerk to reassign the case.

RULE 2.340. JUDICIAL ATTIRE

During any judicial proceeding, robes worn by a judge must be solid black with no embellishment.

PART IV. JUDICIAL PROCEEDINGS AND RECORDS

RULE 2.410. POSSESSION OF COURT RECORDS

No person other than judges and authorized court employees shall remove court records as defined in rule 2.430 from the clerk's office except by order of the chief judge or chief justice upon a showing of good cause.

Court Commentary

1996 Adoption. This rule was written as a result of the problems being encountered in the removal of files from clerks' offices. While the purpose of the rule is to discourage the removal of

court files, it is not intended to prohibit chief judges or the chief justice from issuing for good cause a general order providing that attorneys or authorized individuals may be allowed to check out files on a routine basis to assist in the administrative efficiency of a court. We note that section 28.13, Florida Statutes (1995), similarly prohibits the removal of files from clerks' offices.

RULE 2.420. PUBLIC ACCESS TO AND PROTECTION OF JUDICIAL BRANCH RECORDS

(a) Scope and Purpose. Subject to the rulemaking power of the Florida Supreme Court provided by article V, section 2, Florida Constitution, the following rule shall govern public access to and the protection of the records of the judicial branch of government. The public shall have access to all records of the judicial branch of government, except as provided below. Access to all electronic and other court records shall be governed by the Standards for Access to Electronic Court Records and Access Security Matrix, as adopted by the supreme court in Administrative Order AOSC14-19 or the then-current Standards for Access. Remote access to electronic court records shall be permitted in counties where the supreme court's conditions for release of such records are met.

(b) Definitions.

(1) "Records of the judicial branch" are all records, regardless of physical form, characteristics, or means of transmission, made or received in connection with the transaction of official business by any judicial branch entity and consist of:

(A) "court records," which are the contents of the court file, including the progress docket and other similar records generated to document activity in a case, transcripts filed with the clerk, documentary exhibits in the custody of the clerk, and electronic records, videotapes, or stenographic tapes of depositions or other proceedings filed with the clerk, and electronic records, videotapes, or stenographic tapes of court proceedings; and

(B) "administrative records," which are all other records made or received pursuant to court rule, law, or ordinance,

or in connection with the transaction of official business by any judicial branch entity.

(2) "Judicial branch" means the judicial branch of government, which includes the state courts system, the clerk of court when acting as an arm of the court, The Florida Bar, the Florida Board of Bar Examiners, the Judicial Qualifications Commission, and all other entities established by or operating under the authority of the supreme court or the chief justice.

(3) "Custodian." The custodian of all administrative records of any court is the chief justice or chief judge of that court, except that each justice or judge is the custodian of all records that are solely within the possession of that justice or judge. At the conclusion of service on a court, each justice or judge shall deliver to the court's chief justice or chief judge any records of the judicial branch in the possession of the departing justice or judge. As to all other records, the custodian is the official charged with the responsibility for the care, safekeeping, and supervision of such records. All references to "custodian" mean the custodian or the custodian's designee.

(4) "Confidential," as applied to information contained within a record of the judicial branch, means that such information is exempt from the public right of access under article I, section 24(a) of the Florida Constitution and may be released only to the persons or organizations designated by law, statute, or court order. As applied to information contained within a court record, the term "exempt" means that such information is confidential. Confidential information includes information that is confidential under this rule or under a court order entered pursuant to this rule. To the extent reasonably practicable, restriction of access to confidential information shall be implemented in a manner that does not restrict access to any portion of the record that is not confidential.

(5) "Affected non-party" means any non-party identified by name in a court record that contains confidential information pertaining to that non-party.

(6) "Filer" means any person who files a document in court records, except "filer" does not include the clerk of court or designee of the clerk, a judge, magistrate, hearing officer, or designee of a judge, magistrate or hearing officer.

(c) Confidential and Exempt Records. The following records of the judicial branch shall be confidential:

(1) Trial and appellate court memoranda, drafts of opinions and orders, court conference records, notes, and other written materials of a similar nature prepared by judges or court staff acting on behalf of or at the direction of the court as part of the court's judicial decision-making process utilized in disposing of cases and controversies before Florida courts unless filed as a part of the court record;

(2) Memoranda or advisory opinions that relate to the administration of the court and that require confidentiality to protect a compelling governmental interest, including, but not limited to, maintaining court security, facilitating a criminal investigation, or protecting public safety, which cannot be adequately protected by less restrictive measures. The degree, duration, and manner of confidentiality imposed shall be no broader than necessary to protect the compelling governmental interest involved, and a finding shall be made that no less restrictive measures are available to protect this interest. The decision that confidentiality is required with respect to such administrative memorandum or written advisory opinion shall be made by the chief judge;

(3) (A) Complaints alleging misconduct against judges until probable cause is established;

(B) Complaints alleging misconduct against other entities or individuals licensed or regulated by the courts, until a finding of probable cause or no probable cause is established, unless otherwise provided. Such finding should be made within the time limit set by law or rule. If no time limit is set, the finding should be made within a reasonable period of time;

(4) Periodic evaluations implemented solely to assist judges in improving their performance, all information gathered to form the bases for the evaluations, and the results generated therefrom;

(5) Only the names and qualifications of persons applying to serve or serving as unpaid volunteers to assist the court, at the court's request and direction, shall be accessible to the public. All other information contained in the applications by and evaluations of persons applying to serve or serving as unpaid volunteers shall be confidential unless made public by court order based upon a showing of materiality in a pending court proceeding or upon a showing of good cause;

(6) Copies of arrest and search warrants and supporting affidavits retained by judges, clerks, or other court personnel until execution of said warrants or until a determination is made by law enforcement authorities that execution cannot be made;

(7) All records made confidential under the Florida and United States Constitutions and Florida and federal law;

(8) All records presently deemed to be confidential by court rule, including the Rules for Admission to the Bar, by Florida Statutes, by prior case law of the State of Florida, and by the rules of the Judicial Qualifications Commission;

(9) Any court record determined to be confidential in case decision or court rule on the grounds that:

(A) confidentiality is required to:

(i) prevent a serious and imminent threat to the fair, impartial, and orderly administration of justice;

(ii) protect trade secrets;

(iii) protect a compelling governmental interest;

(iv) obtain evidence to determine legal issues in a case;

(v) avoid substantial injury to innocent third parties;

(vi) avoid substantial injury to a party by disclosure of matters protected by a common law or privacy right not generally inherent in the specific type of proceeding sought to be closed;

(vii) comply with established public policy set forth in the Florida or United States Constitution or statutes or Florida rules or case law;

(B) the degree, duration, and manner of confidentiality ordered by the court shall be no broader than necessary to protect the interests set forth in subdivision (c)(9)(A); and

(C) no less restrictive measures are available to protect the interests set forth in subdivision (c)(9)(A).

(10) The names and any identifying information of judges mentioned in an advisory opinion of the Judicial Ethics Advisory Committee.

(d) Procedures for Determining Confidentiality of Court Records.

(1) Except as provided in subdivision (d)(1)(C), the clerk of the court shall designate and maintain the confidentiality of any information contained within a court record that is described in subdivision (d)(1)(A) or (d)(1)(B) of this rule.

(A) The clerk of the court shall maintain as confidential information described by any of subdivisions (c)(1) through (c)(6) of this rule;

(B) Except as provided by court order, the clerk of the court shall maintain as confidential information subject to subdivision (c)(7) or (c)(8) of this rule that is currently confidential or exempt from section 119.07, Florida Statutes, and article I, section 24(a) of the Florida Constitution as specifically stated in any of the following statutes or as they may be amended or renumbered:

(i) Chapter 39 records relating to dependency matters, termination of parental rights, guardians ad litem, child abuse, neglect, and abandonment. §§ 39.0132(3), 39.0132(4)(a), 39.202, Fla. Stat.

(ii) Adoption records. § 63.162, Fla. Stat.

(iii) Social Security, bank account, charge, debit, and credit card numbers. § 119.0714(1)(i)–(j), (2)(a)–(e), Fla. Stat. (Unless redaction is requested pursuant to § 119.0714(2), Fla. Stat., this information is exempt only as of January 1, 2012.)

(iv) HIV test results and the identity of any person upon whom an HIV test has been performed. § 381.004(2)(e), Fla. Stat.

(v) Records, including test results, held by the Department of Health or its authorized representatives relating to sexually transmissible diseases. § 384.29, Fla. Stat.

(vi) Birth records and portions of death and fetal death records. §§ 382.008(6), 382.025(1), Fla. Stat.

(vii) Information that can be used to identify a minor petitioning for a waiver of parental or guardian notice or consent when seeking to terminate pregnancy. §§ 390.01116, 390.01118, Fla. Stat.

(viii) Clinical records under the Baker Act, § 394.4615(7), Fla. Stat., and all petitions, court orders, and related records under the Baker Act, including all personal identifying information of a person subject to the Act, § 394.464, Fla. Stat.

(ix) Records of substance abuse service providers which pertain to the identity, diagnosis, and prognosis of and service provision to individuals. § 397.501(7), Fla. Stat., and all petitions, court orders, and related records for involuntary assessment and stabilization of an individual, § 397.6760, Fla. Stat.

(x) Clinical records of criminal defendants found incompetent to proceed or acquitted by reason of insanity. § 916.107(8), Fla. Stat.

(xi) Estate inventories and accountings. § 733.604(1), Fla. Stat.

(xii) The victim's address in a domestic violence action on petitioner's request. § 741.30(3)(b), Fla. Stat.

(xiii) Protected information regarding victims of child abuse or sexual offenses. §§ 119.071(2)(h), 119.0714(1)(h), Fla. Stat.

(xiv) Gestational surrogacy records. § 742.16(9), Fla. Stat.

(xv) Guardianship reports, orders appointing court monitors, and orders relating to findings of no probable cause in guardianship cases. §§ 744.1076, 744.3701, Fla. Stat.

(xvi) Grand jury records. §§ 905.17, 905.28(1), Fla. Stat.

(xvii) Records acquired by courts and law enforcement regarding family services for children. § 984.06(3)–(4), Fla. Stat.

(xviii) Juvenile delinquency records. §§ 985.04(1), 985.045(2), Fla. Stat.

(xix) Records disclosing the identity of persons subject to tuberculosis proceedings and records held by the Department of Health or its authorized representatives relating to

known or suspected cases of tuberculosis or exposure to tuberculosis. §§ 392.545, 392.65, Fla. Stat.

(xx) Complete presentence investigation reports. Fla. R. Crim. P. 3.712.

(xxi) Forensic behavioral health evaluations under Chapter 916. § 916.1065, Fla. Stat.

(xxii) Eligibility screening, substance abuse screening, behavioral health evaluations, and treatment status reports for defendants referred to or considered for referral to a drug court program. § 397.334(10)(a), Fla. Stat.

(xxiii) Information that can be used to identify a petitioner or respondent in a petition for an injunction against domestic violence, repeat violence, dating violence, sexual violence, stalking, or cyberstalking, and any affidavits, notice of hearing, and temporary injunction until the respondent has been personally served with a copy of the petition for injunction, affidavits, notice of hearing, and temporary injunction. § 119.0714(1)(k)3., Fla. Stat.

(C) In civil cases, the clerk of the court shall not be required to designate and maintain information as confidential unless the filer follows the notice procedures set forth in subdivision (d)(2), the filer files a Motion to Determine Confidentiality of Court Records as set forth in subdivision (d)(3), the filing is deemed confidential by court order, or the case itself is confidential by law. “Civil cases” as used in this rule includes only civil case types in the circuit, county, or small claims courts (identified by the Court Type Designator CA, CC, and SC in the uniform case numbering system), except those case types listed as “Viewable on Request (VOR)” in the Standard for Access to Electronic Court Records and Access Security Matrix, as adopted by the supreme court in Administrative Order AOSC14-19 or the then-current standards for access.

(2) The filer of any document containing confidential information described in subdivision (d)(1)(B) shall, at the time of

filing, file with the clerk a "Notice of Confidential Information within Court Filing" in order to indicate that confidential information described in subdivision (d)(1)(B) of this rule is included within the document being filed and also indicate that either the entire document is confidential or identify the precise location of the confidential information within the document being filed. If an entire court file is maintained as confidential, the filer of a document in such a file is not required to file the notice form. A form Notice of Confidential Information within Court Filing accompanies this rule.

(A) If any document in a court file contains confidential information as described in subdivision (d)(1)(B), the filer, a party, or any affected non-party may file the Notice of Confidential Information within Court Filing if the document was not initially filed with a Notice of Confidential Information within Court Filing and the confidential information is not maintained as confidential by the clerk. The Notice of Confidential Information within Court Filing filed pursuant to this subdivision must also state the title and type of document, date of filing (if known), date of document, docket entry number, indicate that either the entire document is confidential or identify the precise location of the confidential information within the document, and provide any other information the clerk may require to locate the confidential information.

(B) The clerk of court shall review filings identified as containing confidential information to determine whether the purported confidential information is facially subject to confidentiality under subdivision (d)(1)(B). If the clerk determines that filed information is not subject to confidentiality under subdivision (d)(1)(B), the clerk shall notify the filer of the Notice of Confidential Information within Court Filing in writing within 5 days of filing the notice and thereafter shall maintain the information as confidential for 10 days from the date such notification by the clerk is served. The information shall not be held as confidential for more than that 10-day period, unless a motion has been filed pursuant to subdivision (d)(3).

(3) The filer of a document with the court shall ascertain whether any information contained within the document may be confidential under subdivision (c) of this rule notwithstanding that such information is not itemized at subdivision (d)(1) of this rule. If the filer believes in good faith that information is confidential but is not described in subdivision (d)(1) of this rule, the filer shall request that the information be maintained as confidential by filing a "Motion to Determine Confidentiality of Court Records" under the procedures set forth in subdivision (e), (f), or (g), unless:

(A) the filer is the only individual whose confidential information is included in the document to be filed or is the attorney representing all such individuals; and

(B) a knowing waiver of the confidential status of that information is intended by the filer. Any interested person may request that information within a court file be maintained as confidential by filing a motion as provided in subdivision (e), (f), or (g).

(4) If a notice of confidential information is filed pursuant to subdivision (d)(2), or a motion is filed pursuant to subdivision (e)(1) or (g)(1) seeking to determine that information contained in court records is confidential, or pursuant to subdivision (e)(5) or (g)(5) seeking to vacate an order that has determined that information in a court record is confidential or seeking to unseal information designated as confidential by the clerk of court, then the person filing the notice or motion shall give notice of such filing to any affected non-party. Notice pursuant to this provision must:

(A) be filed with the court;

(B) identify the case by docket number;

(C) describe the confidential information with as much specificity as possible without revealing the confidential information, including specifying the precise location of the information within the court record; and

(D) include:

(i) in the case of a motion to determine confidentiality of court records, a statement that if the motion is denied then the subject material will not be treated as confidential by the clerk; and

(ii) in the case of a motion to unseal confidential records or a motion to vacate an order deeming records confidential, a statement that if the motion is granted, the subject material will no longer be treated as confidential by the clerk.

Any notice described herein must be served pursuant to subdivision (k), if applicable, together with the motion that gave rise to the notice in accordance with subdivision (e)(5) or (g)(5).

(5) Except when the entire court file is maintained as confidential, if a judge, magistrate, or hearing officer files any document containing confidential information, the confidential information within the document must be identified as "confidential" and the title of the document must include the word "confidential." The clerk must maintain the confidentiality of the indentified confidential information. A copy of the document edited to omit the confidential information shall be provided to the clerk for filing and recording purposes.

(e) Request to Determine Confidentiality of Trial Court Records in Noncriminal Cases.

(1) A request to determine the confidentiality of trial court records in noncriminal cases under subdivision (c) must be made in the form of a written motion captioned "Motion to Determine Confidentiality of Court Records." A motion made under this subdivision must:

(A) identify the particular court records or a portion of a record that the movant seeks to have determined as confidential with as much specificity as possible without revealing the information subject to the confidentiality determination;

(B) specify the bases for determining that such court records are confidential without revealing confidential information; and

(C) set forth the specific legal authority and any applicable legal standards for determining such court records to be confidential without revealing confidential information.

Any written motion made under this subdivision must include a signed certification by the party or the attorney for the party making the request that the motion is made in good faith and is supported by a sound factual and legal basis. Information that is subject to such a motion must be treated as confidential by the clerk pending the court's ruling on the motion. A response to a written motion filed under this subdivision may be served within 10 days of service of the motion. Notwithstanding any of the foregoing, the court may not determine that the case number, docket number, or other number used by the clerk's office to identify the case file is confidential.

(2) Except when a motion filed under subdivision (e)(1) represents that all parties agree to all of the relief requested, the court must, as soon as practicable but no later than 30 days after the filing of a motion under this subdivision, hold a hearing before ruling on the motion. Whether or not any motion filed under subdivision (e)(1) is agreed to by the parties, the court may in its discretion hold a hearing on such motion. Any hearing held under this subdivision must be an open proceeding, except that any person may request that the court conduct all or part of the hearing in camera to protect the interests set forth in subdivision (c). Any person may request expedited consideration of and ruling on the motion. The movant shall be responsible for ensuring that a complete record of any hearing held pursuant to this subdivision is created, either by use of a court reporter or by any recording device that is provided as a matter of right by the court. The court may in its discretion require prior public notice of the hearing on such a motion in accordance with the procedure for providing public notice of court orders set forth in subdivision (e)(4) or by providing such

other public notice as the court deems appropriate. The court must issue a ruling on the motion within 30 days of the hearing.

(3) Any order granting in whole or in part a motion filed under subdivision (e) must state the following with as much specificity as possible without revealing the confidential information:

(A) the type of case in which the order is being entered;

(B) the particular grounds under subdivision (c) for determining the information is confidential;

(C) whether any party's name determined to be confidential and, if so, the particular pseudonym or other term to be substituted for the party's name;

(D) whether the progress docket or similar records generated to document activity in the case are determined to be confidential;

(E) the particular information that is determined to be confidential;

(F) identification of persons who are permitted to view the confidential information;

(G) that the court finds that: (i) the degree, duration, and manner of confidentiality ordered by the court are no broader than necessary to protect the interests set forth in subdivision (c); and (ii) no less restrictive measures are available to protect the interests set forth in subdivision (c); and

(H) that the clerk of the court is directed to publish the order in accordance with subdivision (e)(4).

(4) Except as provided by law or court rule, notice must be given of any written order granting in whole or in part a motion made under subdivision (e)(1) as follows:

(A) within 10 days following the entry of the order, the clerk of court must post a copy of the order on the clerk's website and in a prominent public location in the courthouse; and

(B) the order must remain posted in both locations for no less than 30 days. This subdivision shall not apply to orders determining that court records are confidential under subdivision (c)(7) or (c)(8).

(5) If a nonparty requests that the court vacate all or part of an order issued under subdivision (e) or requests that the court order the unsealing of records designated as confidential under subdivision (d), the request must be made by a written motion, filed in that court, that states with as much specificity as possible the bases for the motion. The motion must set forth the specific legal authority and any applicable legal standards supporting the motion. The movant must serve all parties and all affected non-parties with a copy of the motion. Except when a motion filed under this subdivision represents that all parties and affected non-parties agree to all of the relief requested, the court must, as soon as practicable but no later than 30 days after the filing of a motion under this subdivision, hold a hearing on the motion. Regardless of whether any motion filed under this subdivision is agreed to by the parties and affected non-parties, the court may in its discretion hold a hearing on such motion. Any person may request expedited consideration of and ruling on the motion. Any hearing held under this subdivision must be an open proceeding, except that any person may request that the court conduct all or part of the hearing in camera to protect the interests set forth in subdivision (c). The court must issue a ruling on the motion within 30 days of the hearing. The movant shall be responsible for ensuring that a complete record of any hearing held under this subdivision be created, either by use of a court reporter or by any recording device that is provided as a matter of right by the court. This subdivision shall not apply to orders determining that court records are confidential under subdivision (c)(7) or (c)(8).

(f) Request to Determine Confidentiality of Court Records in Criminal Cases.

(1) Subdivisions (e) and (h) shall apply to any motion by the state, a defendant, or an affected non-party to determine the confidentiality of trial court records in criminal cases under subdivision (c), except as provided in subdivision (f)(3). As to any motion filed in the trial court under subdivision (f)(3), the following procedure shall apply:

(A) Unless the motion represents that the state, defendant(s), and all affected non-parties subject to the motion agree to all of the relief requested, the court must hold a hearing on the motion filed under this subdivision within 15 days of the filing of the motion. Any hearing held under this subdivision must be an open proceeding, except that any person may request that the court conduct all or part of the hearing in camera to protect the interests set forth in subdivision (c)(9)(A).

(B) The court shall issue a written ruling on a motion filed under this subdivision within 10 days of the hearing on a contested motion or within 10 days of the filing of an agreed motion.

(2) Subdivision (g) shall apply to any motion to determine the confidentiality of appellate court records under subdivision (c), except as provided in subdivision (f)(3). As to any motion filed in the appellate court under subdivision (f)(3), the following procedure shall apply:

(A) The motion may be made with respect to a record that was presented or presentable to a lower tribunal, but no determination concerning confidentiality was made by the lower tribunal, or a record presented to an appellate court in an original proceeding.

(B) A response to a motion filed under this subdivision may be served within 10 days of service of the motion.

(C) The court shall issue a written ruling on a motion filed under this subdivision within 10 days of the filing of a response on a contested motion or within 10 days of the filing of an uncontested motion.

(3) Any motion to determine whether a court record that pertains to a plea agreement, substantial assistance agreement, or other court record that reveals the identity of a confidential informant or active criminal investigative information is confidential under subdivision (c)(9)(A)(i), (c)(9)(A)(iii), (c)(9)(A)(v), or (c)(9)(A)(vii) of this rule may be made in the form of a written motion captioned "Motion to Determine Confidentiality of Court Records." Any motion made pursuant to this subdivision must be treated as confidential and indicated on the docket by generic title only, pending a ruling on the motion or further order of the court. As to any motion made under this subdivision, the following procedure shall apply:

(A) Information that is the subject of such motion must be treated as confidential by the clerk pending the court's ruling on the motion. Filings containing the information must be indicated on the docket in a manner that does not reveal the confidential nature of the information.

(B) The provisions of subdivisions (e)(3)(A)–(G), (g)(7), (h), and (j), shall apply to motions made under this subdivision. The provisions of subdivisions (e)(1), (e)(2), (e)(3)(H), (e)(4), and (e)(5) shall not apply to motions made under this subdivision.

(C) No order entered under this subdivision may authorize or approve the sealing of court records for any period longer than is necessary to achieve the objective of the motion, and in no event longer than 120 days. Extensions of an order issued hereunder may be granted for 60–day periods, but each such extension may be ordered only upon the filing of another motion in accordance with the procedures set forth under this subdivision. In the event of an appeal or review of a matter in which an order is entered under this subdivision, the lower tribunal shall retain jurisdiction to consider motions to extend orders issued hereunder during the course of the appeal or review proceeding.

(D) The clerk of the court shall not publish any order of the court issued hereunder in accordance with subdivision

(e)(4) or (g)(4) unless directed by the court. The docket shall indicate only the entry of the order.

(4) This subdivision does not authorize the falsification of court records or progress dockets.

(g) Request to Determine Confidentiality of Appellate Court Records in Noncriminal Cases.

(1) Subdivision (e)(1) shall apply to any motion filed in the appellate court to determine the confidentiality of appellate court records in noncriminal cases under subdivision (c). Such a motion may be made with respect to a record that was presented or presentable to a lower tribunal, but no determination concerning confidentiality was made by the lower tribunal, or a record presented to an appellate court in an original proceeding.

(2) A response to a motion filed under subdivision (g)(1) may be served within 10 days of service of the motion. The court shall issue a written ruling on a written motion filed under this subdivision within 30 days of the filing of a response on a contested motion or within 30 days of the filing of an uncontested written motion.

(3) Any order granting in whole or in part a motion filed under subdivision (g)(1) must be in compliance with the guidelines set forth in subdivisions (e)(3)(A)–(e)(3)(H). Any order requiring the sealing of an appellate court record operates to also make those same records confidential in the lower tribunal during the pendency of the appellate proceeding.

(4) Except as provided by law, within 10 days following the entry of an order granting a motion under subdivision (g)(1), the clerk of the appellate court must post a copy of the order on the clerk's website and must provide a copy of the order to the clerk of the lower tribunal, with directions that the clerk of the lower tribunal shall seal the records identified in the order. The order must remain posted by the clerk of the appellate court for no less than 30 days.

(5) If a nonparty requests that the court vacate all or part of an order issued under subdivision (g)(3), or requests that the court order the unsealing of records designated as confidential under subdivision (d), the request must be made by a written motion, filed in that court, that states with as much specificity as possible the bases for the request. The motion must set forth the specific legal authority and any applicable legal standards supporting the motion. The movant must serve all parties and all affected non-parties with a copy of the motion. A response to a motion may be served within 10 days of service of the motion.

(6) The party seeking to have an appellate record sealed under this subdivision has the responsibility to ensure that the clerk of the lower tribunal is alerted to the issuance of the order sealing the records and to ensure that the clerk takes appropriate steps to seal the records in the lower tribunal.

(7) Upon conclusion of the appellate proceeding, the lower tribunal may, upon appropriate motion showing changed circumstances, revisit the appellate court's order directing that the records be sealed.

(8) Records of a lower tribunal determined to be confidential by that tribunal must be treated as confidential during any review proceedings. In any case where information has been determined to be confidential under this rule, the clerk of the lower tribunal shall so indicate in the index transmitted to the appellate court. If the information was determined to be confidential in an order, the clerk's index must identify such order by date or docket number. This subdivision does not preclude review by an appellate court, under Florida Rule of Appellate Procedure 9.100(d), or affect the standard of review by an appellate court, of an order by a lower tribunal determining that a court record is confidential.

(h) Oral Motions to Determine Confidentiality of Trial Court Records.

(1) Notwithstanding the written notice requirements of subdivision (d)(2) and written motion requirements of subdivisions (d)(3), (e)(1), and (f), the movant may make an oral motion to

determine the confidentiality of trial court records under subdivision (c), provided:

(A) except for oral motions under subdivision (f)(3), the oral motion otherwise complies with subdivision (e)(1);

(B) all parties and affected non-parties are present or properly noticed or the movant otherwise demonstrates reasonable efforts made to obtain the attendance or any absent party or affected non-party;

(C) the movant shows good cause why the movant was unable to timely comply with the written notice requirements as set forth in subdivision (d)(2) or the written motion requirement as set forth in subdivision (d)(3), (e)(1), or (f), as applicable;

(D) the oral motion is reduced to written form in compliance with subdivision (d), (e)(1), or (f), as applicable, and is filed within 5 days following the date of making the oral motion;

(E) except for oral motions under subdivisions (f)(3), the provisions of subdivision (e)(2) shall apply to the oral motion, procedure and hearing;

(F) the provisions of subdivision (f)(1)(A) and (f)(1)(B) and (f)(3) shall apply to any oral motion under subdivision (f)(3); and

(G) oral motions are not applicable to subdivision (f)(2) or (g) or extensions of orders under subdivision (f)(3)(C).

(2) The court may deny any oral motion made pursuant to subdivision (h)(1) if the court finds that that movant had the ability to timely comply with the written notice requirements in subdivision (d) or the written motion requirements of (d)(3), (e)(1), or (f), as applicable, or the movant failed to provide adequate notice to the parties and affected non-parties of the confidentiality issues to be presented to the court.

(3) Until the court renders a decision regarding the confidentiality issues raised in any oral motion, all references to purported confidential information as set forth in the oral motion shall occur in a manner that does not allow public access to such information.

(4) If the court grants in whole or in part any oral motion to determine confidentiality, the court shall issue a written order that does not reveal the confidential information and complies with the applicable subdivision of this rule as follows:

(A) For any oral motion under subdivision (e) or (f)(1), except subdivisions (f)(1)(A) and (f)(1)(B), the written order must be issued within 30 days of the hearing and must comply with subdivision (e)(3).

(B) For any oral motion under subdivision (f)(3), the written order must be issued within 10 days of the hearing on a contested motion or filing of an agreed motion and must comply with subdivision (f)(3).

(i) Sanctions. After notice and an opportunity to respond, and upon determining that a motion, filing, or other activity described below was not made in good faith and was not supported by a sound legal or factual basis, the court may impose sanctions against any party or non-party and/or their attorney, if that party or non-party and/or their attorney, in violation of the applicable provisions of this rule:

(1) seeks confidential status for non-confidential information by filing a notice under subdivision (d)(2);

(2) seeks confidential status for non-confidential information by making any oral or written motion under subdivision (d)(3), (e), (f), (g), or (h);

(3) seeks access to confidential information under subdivision (j) or otherwise;

(4) fails to file a Notice of Confidential Information within Court Filing in compliance with subdivision (d)(2);

(5) makes public or attempts to make public by motion or otherwise information that should be maintained as confidential under subdivision (c), (d), (e), (f), (g), or (h); or

(6) otherwise makes or attempts to make confidential information part of a non-confidential court record.

Nothing in this subdivision is intended to limit the authority of a court to enforce any court order entered pursuant to this rule.

(j) Procedure for Obtaining Access to Confidential Court Records.

(1) The clerk of the court must allow access to confidential court records to persons authorized by law, or any person authorized by court order.

(2) A court order allowing access to confidential court records may be obtained by filing a written motion which must:

(A) identify the particular court record(s) or a portion of the court record(s) to which the movant seeks to obtain access with as much specificity as possible without revealing the confidential information;

(B) specify the bases for obtaining access to such court records;

(C) set forth the specific legal authority for obtaining access to such court records; and

(D) contain a certification that the motion is made in good faith and is supported by a sound factual and legal basis.

(3) The movant must serve a copy of the written motion to obtain access to confidential court records on all parties and reasonably ascertainable affected non-parties and the court must

hold a hearing on the written motion within a reasonable period of time.

(4) Any order granting access to confidential court records must:

(A) describe the confidential information with as much specificity as possible without revealing the confidential information, including specifying the precise location of the information within the court records;

(B) identify the persons who are permitted to view the confidential information in the court records;

(C) identify any person who is permitted to obtain copies of the confidential court records; and

(D) state the time limits imposed on such access, if any, and any other applicable terms or limitations to such access.

(5) The filer of confidential court records, that filer's attorney of record, or that filer's agent as authorized by that filer in writing may obtain access to such confidential records pursuant to this subdivision.

(6) Unless otherwise provided, an order granting access to confidential court records under this subdivision shall not alter the confidential status of the record.

(k) Procedure for Service on Victims and Affected Non-parties and When Addresses Are Confidential.

(1) In criminal cases, when the defendant is required to serve any notice or motion described in this rule on an alleged victim of a crime, service shall be on the state attorney, who shall send or forward the notice or motion to the alleged victim.

(2) Except as set forth in subdivision (k)(1), when serving any notice or motion described in this rule on any affected non-party whose name or address is not confidential, the filer or

movant shall use reasonable efforts to locate the affected non-party and may serve such affected non-party by any method set forth in Florida Rule of General Practice and Judicial Administration 2.516.

(3) Except as set forth in subdivision (k)(1), when serving any notice or motion described in this rule and the name or address of any party or affected non-party is confidential, the filer or movant must state prominently in the caption of the notice or motion "Confidential Party or Confidential Affected Non-Party — Court Service Requested." When a notice or motion so designated is filed, the court shall be responsible for providing a copy of the notice or motion to the party or affected non-party, by any method permitted in Florida Rule of General Practice and Judicial Administration 2.516, in such a way as to not reveal the confidential information.

(*l*) Denial of Access Request for Administrative Records. Expedited review of denials of access to administrative records of the judicial branch shall be provided through an action for mandamus or other appropriate relief, in the following manner:

(1) When a judge who has denied a request for access to records is the custodian, the action shall be filed in the court having appellate jurisdiction to review the decisions of the judge denying access. Upon order issued by the appellate court, the judge denying access to records shall file a sealed copy of the requested records with the appellate court.

(2) All other actions under this rule shall be filed in the circuit court of the circuit in which such denial of access occurs.

(m) Procedure for Public Access to Judicial Branch Records. Requests and responses to requests for access to records under this rule shall be made in a reasonable manner.

(1) Requests for access to judicial branch records shall be in writing and shall be directed to the custodian. The request shall provide sufficient specificity to enable the custodian to identify the requested records. The reason for the request is not required to be disclosed.

(2) The custodian shall be solely responsible for providing access to the records of the custodian's entity. The custodian shall determine whether the requested record is subject to this rule and, if so, whether the record or portions of the record are exempt from disclosure. The custodian shall determine the form in which the record is provided. If the request is denied, the custodian shall state in writing the basis for the denial.

(3) Fees for copies of records in all entities in the judicial branch of government, except for copies of court records, shall be the same as those provided in section 119.07, Florida Statutes.

Committee Note

1995 Amendment. This rule was adopted to conform to the 1992 addition of article I, section 24, to the Florida Constitution. Amendments to this rule were adopted in response to the 1994 recommendations of the Study Committee on Confidentiality of Records of the Judicial Branch.

Subdivision (b) has been added by amendment and provides a definition of "judicial records" that is consistent with the definition of "court records" contained in rule 2.075(a)(1) [renumbered as 2.430(a)(1) in 2006] and the definition of "public records" contained in chapter 119, Florida Statutes. The word "exhibits" used in this definition of judicial records is intended to refer only to documentary evidence and does not refer to tangible items of evidence such as firearms, narcotics, etc. Judicial records within this definition include all judicial records and data regardless of the form in which they are kept. Reformatting of information may be necessary to protect copyrighted material. *Seigle v. Barry*, 422 So. 2d 63 (Fla. 4th DCA 1982), *review denied*, 431 So. 2d 988 (Fla. 1983).

The definition of "judicial records" also includes official business information transmitted via an electronic mail (e-mail) system. The judicial branch is presently experimenting with this new technology. For example, e-mail is currently being used by the judicial branch to transmit between judges and staff multiple

matters in the courts including direct communications between judges and staff and other judges, proposed drafts of opinions and orders, memoranda concerning pending cases, proposed jury instructions, and even votes on proposed opinions. All of this type of information is exempt from public disclosure under rules 2.051(c)(1) and (c)(2) [renumbered as 2.420(c)(1) and (c)(2) in 2006]. With few exceptions, these examples of e-mail transmissions are sent and received between judicial officials and employees within a particular court's jurisdiction. This type of e-mail is by its very nature almost always exempt from public record disclosure pursuant to rule 2.051(c). In addition, official business e-mail transmissions sent to or received by judicial officials or employees using dial-in equipment, as well as the use of on-line outside research facilities such as Westlaw, would also be exempt e-mail under rule 2.051(c). On the other hand, we recognize that not all e-mail sent and received within a particular court's jurisdiction will fall into an exception under rule 2.051(c). The fact that a non-exempt e-mail message made or received in connection with official court business is transmitted intra-court does not relieve judicial officials or employees from the obligation of properly having a record made of such messages so they will be available to the public similar to any other written communications. It appears that official business e-mail that is sent or received by persons outside a particular court's jurisdiction is largely non-exempt and is subject to recording in some form as a public record. Each court should develop a means to properly make a record of non-exempt official business e-mail by either electronically storing the mail or by making a hard copy. It is important to note that, although official business communicated by e-mail transmissions is a matter of public record under the rule, the exemptions provided in rule 2.051(c) exempt many of these judge/staff transmissions from the public record. E-mail may also include transmissions that are clearly not official business and are, consequently, not required to be recorded as a public record. Each court should also publish an e-mail address for public access. The individual e-mail addresses of judicial officials and staff are exempt under rule 2.051(c)(2) to protect the compelling interests of maintaining the uninterrupted use of the computer for research, word-processing, preparation of opinions, and communication during trials, and to ensure computer

security.

Subdivision (c)(3) was amended by creating subparts (a) and (b) to distinguish between the provisions governing the confidentiality of complaints against judges and complaints against other individuals or entities licensed or regulated by the Supreme Court.

Subdivision (c)(5) was amended to make public the qualifications of persons applying to serve or serving the court as unpaid volunteers such as guardians ad litem, mediators, and arbitrators and to make public the applications and evaluations of such persons upon a showing of materiality in a pending court proceeding or upon a showing of good cause.

Subdivision (c)(9) has also been amended. Subdivision (c)(9) was adopted to incorporate the holdings of judicial decisions establishing that confidentiality may be required to protect the rights of defendants, litigants, or third parties; to further the administration of justice; or to otherwise promote a compelling governmental interest. *Barron v. Florida Freedom Newspapers, Inc.*, 531 So. 2d 113 (Fla.1988); *Miami Herald Publishing Co. v. Lewis*, 426 So. 2d 1 (Fla.1982). Such confidentiality may be implemented by court rule, as well as by judicial decision, where necessary for the effective administration of justice. *See, e.g.*, Fla.R.Crim.P. 3.470, (Sealed Verdict); Fla.R.Crim.P. 3.712, (Presentence Investigation Reports); Fla.R.Civ.P. 1.280(c), (Protective Orders).

Subdivision (c)(9)(D) requires that, except where otherwise provided by law or rule of court, reasonable notice shall be given to the public of any order closing a court record. This subdivision is not applicable to court proceedings. Unlike the closure of court proceedings, which has been held to require notice and hearing prior to closure, *see Miami Herald Publishing Co. v. Lewis*, 426 So. 2d 1 (Fla.1982), the closure of court records has not required prior notice. Requiring prior notice of closure of a court record may be impractical and burdensome in emergency circumstances or when closure of a court record requiring confidentiality is requested during a judicial proceeding. Providing reasonable notice to the public of the entry of a closure order and an opportunity to be

heard on the closure issue adequately protects the competing interests of confidentiality and public access to judicial records. *See Florida Freedom Newspapers, Inc. v. Sirmons*, 508 So. 2d 462 (Fla. 1st DCA 1987), *approved*, *Barron v. Florida Freedom Newspapers, Inc.*, 531 So. 2d 113 (Fla.1988); *State ex rel. Tallahassee Democrat v. Cooksey*, 371 So. 2d 207 (Fla. 1st DCA 1979). Subdivision (c)(9)(D), however, does not preclude the giving of prior notice of closure of a court record, and the court may elect to give prior notice in appropriate cases.

2002 Court Commentary

The custodian is required to provide access to or copies of records but is not required either to provide information from records or to create new records in response to a request. Op. Atty. Gen. Fla. 80-57 (1980); *Wootton v. Cook*, 590 So. 2d 1039 (Fla. 1st DCA 1991); *Seigle v. Barry*, 422 So. 2d 63 (Fla. 4th DCA 1982).

The writing requirement is not intended to disadvantage any person who may have difficulty writing a request; if any difficulty exists, the custodian should aid the requestor in reducing the request to writing.

It is anticipated that each judicial branch entity will have policies and procedures for responding to public records requests.

The 1995 commentary notes that the definition of "judicial records" added at that time is consistent with the definition of "court records" contained in rule 2.075(a)(1) [renumbered as 2.430(a)(1) in 2006] and the definition of "public records" contained in chapter 119, Florida Statutes. Despite the commentary, these definitions are not the same. The definitions added in 2002 are intended to clarify that records of the judicial branch include court records as defined in rule 2.075(a)(1) and administrative records. The definition of records of the judicial branch is consistent with the definition of "public records" in chapter 119, Florida Statutes.

2005 Court Commentary

Under courts' inherent authority, appellate courts may appoint a special magistrate to serve as commissioner for the court

to make findings of fact and oversee discovery in review proceedings under subdivision (d) of this rule. Cf. *State ex rel. Davis v. City of Avon Park*, 158 So. 159 (Fla. 1934) (recognizing appellate courts' inherent authority to do all things reasonably necessary for administration of justice within the scope of courts' jurisdiction, including the appointment of a commissioner to make findings of fact); *Wessells v. State*, 737 So. 2d 1103 (Fla. 1st DCA 1998) (relinquishing jurisdiction to circuit court for appointment of a special master to serve as commissioner for court to make findings of fact).

2007 Court Commentary

New subdivision (d) applies only to motions that seek to make court records in noncriminal cases confidential in accordance with subdivision (c)(9).

2007 Committee Commentary

Subdivision (d)(2) is intended to permit a party to make use of any court-provided recording device or system that is available generally for litigants' use, but is not intended to require the court system to make such devices available where they are not already in use and is not intended to eliminate any cost for use of such system that is generally borne by a party requesting use of such system.

APPENDIX TO RULE 2.420

IN THE .....(NAME OF COURT).....,

FLORIDA
CASE NO.: .....

_____

Plaintiff/Petitioner,

v.

_____

Defendant/Respondent.
_____/

NOTICE OF CONFIDENTIAL INFORMATION WITHIN COURT FILING

Pursuant to Florida Rule of General Practice and Judicial Administration 2.420(d)(2), I hereby certify:

( )(1) I am filing herewith a document containing confidential information as described in Rule 2.420(d)(1)(B) and that:

(a) The title/type of document is

,
and :

(b)( ) the entire document is confidential, or

( ) the confidential information within the document is precisely located at :

_____.
OR

( )(2) A document was previously filed in this case that contains confidential information as described in Rule 2.420(d)(1)(B), but a Notice of Confidential Information within Court Filing was not filed with the document and the confidential information was not maintained as confidential by the clerk of the court. I hereby notify the clerk that this confidential information is located as follows:

(a) Title/type of document:
;
(b) Date of filing (if known):
;
(c) Date of document:
;
(d) Docket entry number:
;

(e) ( ) Entire document is confidential, or
( ) Precise location of confidential information in document:

.

_____
Filer's Signature

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished by (e-mail) (delivery) (mail) (fax) on: (All parties and Affected Non-Parties. Note: If the name or address of a Party or Affected Non-Party is confidential DO NOT include such information in this Certificate of Service. Instead, serve the State Attorney or request Court Service. See Rule 2.420(k)) _____, on _____, 20 _____.

_____
Name .....
Address .....
Phone .....
Florida Bar No. (if applicable).....
E-mail address .....

Note: The clerk of court shall review filings identified as containing confidential information to determine whether the information is facially subject to confidentiality under subdivision (d)(1)(B). The clerk shall notify the filer in writing within 5 days if the clerk determines that the information is NOT subject to confidentiality, and the records shall not be held as confidential for more than 10 days, unless a motion is filed pursuant to subdivision (d)(3) of the Rule. Fla. R. Gen. Prac. & Jud. Admin. 2.420(d)(2).

RULE 2.423. "MARSY'S LAW" CRIME VICTIM INFORMATION WITHIN COURT FILING

(a) Scope and Purpose. As provided by article I, section 16 of the Florida Constitution, known as "Marsy's Law," the following rule shall govern public access to and the protection of the records of the judicial branch of government in criminal and juvenile justice cases as it pertains to confidential crime victim information. This rule shall be interpreted to be consistent with the scope and purpose of rule 2.420.

(b) Definitions.

(1) "Confidential crime victim information" means any information contained within a court record that could be used to locate or harass the victim or the victim's family, or which could disclose confidential or privileged information of the victim.

(2) "Crime" and "criminal" include delinquent acts and conduct.

(3) A "victim" is a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act or against whom the crime or delinquent act is committed. The term "victim" includes the victim's lawful representative, the parent or guardian of a minor victim, or the next of kin of a homicide victim, except upon a showing that the interest of such individual would be in actual or potential conflict with the interests of the victim. The term "victim" does not include the accused.

(c) Confidential and Exempt Records. In accordance with rule 2.420(c)(9), confidential crime victim information is determined to be confidential on the grounds that confidentiality is required to comply with the Florida Constitution.

(d) Procedure for Identifying Confidential Crime Victim Information in Criminal and Juvenile Court Records.

(1) The filer of an initial charging document shall prominently indicate the existence of confidential crime victim information pursuant to article I, section 16 of the Florida Constitution. If the filer indicates the existence of confidential crime victim information, the clerk of the court shall designate and maintain the confidentiality of any such information contained within the initial charging document.

(2) Except as provided under subdivision (d)(1), the filer of any document with the court under subdivision (d) shall ascertain whether it contains any confidential crime victim information. If the filer believes in good faith that information is confidential, the filer shall request that the information be maintained as confidential by contemporaneously filing a "Notice of Confidential Crime Victim Information within Court Filing."

(3) A crime victim, the filer, a party, or any affected nonparty may file a Notice of Confidential Crime Victim Information within Court Filing at any time.

(4) Filers of subsequent court filings shall limit the presence of crime victim identifying information in accordance with rule 2.425(a)(3) or file a Notice of Crime Victim Information within Court Filing with each subsequent court filing that contains confidential crime victim information.

(5) A Notice of Confidential Crime Victim Information within Court Filing:

(A) Shall identify the precise location of the confidential information within the document being filed.

(B) Shall be confidential to the extent it contains crime victim information pursuant to article I, section 16.

(C) Shall not be required when an entire case file is maintained as confidential.

(D) A form shall accompany this rule.

(6) If a Notice of Crime Victim Information within Court Filing is filed, the clerk of court shall review the filing identified as containing confidential crime victim information to determine whether the purported confidential information is facially subject to confidentiality under article I, section 16(b)(5) of the Florida Constitution.

(A) The clerk of the court shall designate and maintain the confidentiality of any such information contained within a court record.

(B) If the clerk determines that the information is not confidential, the clerk shall notify the filer in writing within 5 days of filing the notice and thereafter shall maintain the information as confidential for 10 days from the date such notification by the clerk is served. The information shall not be held as confidential for more than that 10-day period, unless a motion has been filed pursuant to rule 2.420(d)(3).

APPENDIX A
NOTICE OF CONFIDENTIAL CRIME VICTIM INFORMATION WITHIN COURT FILING

Pursuant to Florida Rule of General Practice and Judicial Administration 2.423, I hereby certify:

( ) (1) I am filing a document containing confidential crime victim information as described in rule 2.423(b)(1) and that:

(a) The title/type of the document is _____,

and;

(b) ( ) the entire document is confidential, or

( ) the confidential information within the document is precisely located at: _____.

or

( ) (2) A document was previously filed in this case that contains confidential crime victim information as described in rule 2.423(b)(1), but a Notice of Confidential Crime Victim Information within Court Filing was not filed with the document and the confidential information was not maintained as confidential by the clerk of the court. I hereby notify the clerk that this information is located as follows:

(a) Title/type of document: _____;

(b) Date of filing (if known): _____;

(c) Date of document: _____;

(d) Docket entry number: _____;

and either:

( ) Entire document is confidential, or

( ) The precise location of the confidential crime victim information is: _____.

_____

Filer's Signature

CERTIFICATE OF SERVICE

I certify that the foregoing document has been furnished to (here insert names or names, addresses used for service, and mailing addresses) by (portal) (e-mail) (delivery) (mail) on ….(date)…. [See Note 1].

Name:
_____
Address:
_____
Phone:
_____
Florida Bar No. (if applicable)
_____
E-mail address:
_____

Note 1: If the name or address of a Party or Affected Nonparty is confidential DO NOT include such information in the Certificate of Service. Instead, serve the State Attorney or request Court Service as described under rule 2.420(k).

Note 2: The clerk of the court shall review filings identified as containing confidential crime victim information to determine whether the information is facially subject to confidentiality under rule 2.423(d)(6). As provided under rule 2.423(d)(6)(B), the clerk shall notify the filer in writing within 5 days if the clerk determines that the information is not subject to confidentiality, and the records shall not be held as confidential for more than 10 days, unless a motion is filed pursuant to rule 2.420(d)(3).

RULE 2.425. MINIMIZATION OF THE FILING OF SENSITIVE INFORMATION

(a) Limitation for Court Filings. Unless authorized by subdivision (b), statute, another rule of court, or the court orders otherwise, designated sensitive information filed with the court must be limited to the following format:

(1) The initials of a person known to be a minor;

(2) The year of birth of a person's birth date;

(3) No portion of any

(A) social security number,

(B) bank account number,

(C) credit card account number,

(D) charge account number, or

(E) debit account number;

(4) The last four digits of any

(A) taxpayer identification number (TIN),

(B) employee identification number,

(C) driver's license number,

(D) passport number,

(E) telephone number,

(F) financial account number, except as set forth in subdivision (a)(3),

(G) brokerage account number,

(H) insurance policy account number,

(I) loan account number,

(J) customer account number, or

(K) patient or health care number;

(5) A truncated version of any

(A) email address,

(B) computer user name,

(C) password, or

(D) personal identification number (PIN); and

(6) A truncated version of any other sensitive information as provided by court order.

(b) Exceptions. Subdivision (a) does not apply to the following:

(1) An account number which identifies the property alleged to be the subject of a proceeding;

(2) The record of an administrative or agency proceeding;

(3) The record in appellate or review proceedings;

(4) The birth date of a minor whenever the birth date is necessary for the court to establish or maintain subject matter jurisdiction;

(5) The name of a minor in any order relating to parental responsibility, time-sharing, or child support;

(6) The name of a minor in any document or order affecting the minor's ownership of real property;

(7) The birth date of a party in a writ of attachment or notice to payor;

(8) In traffic and criminal proceedings

(A) a pro se filing;

(B) a court filing that is related to a criminal matter or investigation and that is prepared before the filing of a criminal charge or is not filed as part of any docketed criminal case;

(C) an arrest or search warrant or any information in support thereof;

(D) a charging document and an affidavit or other documents filed in support of any charging document, including any driving records;

(E) a statement of particulars;

(F) discovery material introduced into evidence or otherwise filed with the court;

(G) all information necessary for the proper issuance and execution of a subpoena duces tecum;

(H) information needed to contact witnesses who will support the defendant's claim of newly discovered evidence under Florida Rule of Criminal Procedure 3.851; and

(I) information needed to complete a sentencing scoresheet;

(9) Information used by the clerk for case maintenance purposes or the courts for case management purposes; and

(10) Information which is relevant and material to an issue before the court.

(c) Remedies. Upon motion by a party or interested person or sua sponte by the court, the court may order remedies, sanctions

or both for a violation of subdivision (a). Following notice and an opportunity to respond, the court may impose sanctions if such filing was not made in good faith.

(d) Motions Not Restricted. This rule does not restrict a party's right to move for protective order, to move to file documents under seal, or to request a determination of the confidentiality of records.

(e) Application. This rule does not affect the application of constitutional provisions, statutes, or rules of court regarding confidential information or access to public information.

RULE 2.430. RETENTION OF COURT RECORDS

(a) Definitions. The following definitions apply to this rule:

(1) "Court records" mean the contents of the court file, including the progress docket and other similar records generated to document activity in a case, transcripts filed with the clerk, documentary exhibits in the custody of the clerk, and electronic records, video tapes, or stenographic tapes of depositions or other proceedings filed with the clerk, and electronic records, videotapes or stenographic tapes of court proceedings.

(2) "After a judgment has become final" means:

(A) when a final order, final judgment, final docket entry, final dismissal, or nolle prosequi has been entered as to all parties, no appeal has been taken, and the time for appeal has expired; or

(B) when a final order, final judgment, or final docket entry has been entered, an appeal has been taken, the appeal has been disposed of, and the time for any further appellate proceedings has expired.

(3) "Permanently recorded" means that a document has been microfilmed, optically imaged, or recorded onto an electronic

record keeping system in accordance with standards adopted by the Supreme Court of Florida.

(b) Permanently Recorded Records.

(1) Court records, except exhibits, that have been permanently recorded may be destroyed or otherwise disposed of by the clerk at any time after a judgment has become final.

(2) Any physical media submitted to the clerk for the purpose of filing information contained in the media may be destroyed, retained, or otherwise disposed of by the clerk once the contents of the media have been made a part of the court record.

(c) Records Not Permanently Recorded. No court records under this subdivision shall be destroyed or disposed of until the final order, final docket entry, or final judgment is permanently recorded for, or recorded in, the public records. The time periods shall not apply to any action in which the court orders the court records to be kept until the court orders otherwise. When an order is entered to that effect, the progress docket and the court file shall be marked by the clerk with a legend showing that the court records are not to be destroyed or disposed of without a further order of court. Any person may apply for an order suspending or prohibiting destruction or disposition of court records in any proceeding. Court records, except exhibits, that are not permanently recorded may be destroyed or disposed of by the clerk after a judgment has become final in accordance with the following schedule:

(1) For trial courts

(A) 60 days — Parking tickets and noncriminal traffic infractions after required audits have been completed.

(B) 2 years — Proceedings under the Small Claims Rules, Medical Mediation Proceedings.

(C) 5 years — Noncriminal ordinance violations, civil litigation proceedings in county court other than those under

the Small Claims Rules, and civil proceedings in circuit court except marriage dissolutions and adoptions.

(D) 10 years — Probate, guardianship, and mental health proceedings.

(E) 10 years — Felony and misdemeanor cases in which no information or indictment was filed or in which all charges were dismissed, or in which the state announced a nolle prosequi, or in which the defendant was adjudicated not guilty.

(F) 75 years — Juvenile proceedings containing an order permanently depriving a parent of custody of a child, and adoptions, and all felony and misdemeanor cases not previously destroyed.

(G) Juvenile proceedings not otherwise provided for in this subdivision shall be kept for 5 years after the last entry or until the child reaches the age of majority, whichever is later.

(H) Marriage dissolutions — 10 years from the last record activity. The court may authorize destruction of court records not involving alimony, support, or custody of children 5 years from the last record activity.

(2) For district courts of appeal

(A) 2 years — noncriminal court records.

(B) 5 years — Criminal court records.

(3) For the Supreme Court

(A) 5 years — All cases disposed of by order not otherwise provided for in this rule.

(B) 10 years — Cases disposed of by order involving individuals licensed or regulated by the court and noncriminal court records involving the unauthorized practice of law.

(d) Records to Be Retained Permanently. The following court records shall be permanently recorded or permanently retained:

(1) progress dockets, and other similar records generated to document activity in a case, and

(2) court records of the supreme court in which the case was disposed of by opinion.

(e) Court Reporters' Notes. Court reporters or persons acting as court reporters for judicial or discovery proceedings shall retain the original notes or electronic records of the proceedings or depositions until the times specified below:

(1) 2 years from the date of preparing the transcript — Judicial proceedings, arbitration hearings, and discovery proceedings when an original transcript has been prepared.

(2) 10 years — Judicial proceedings in felony cases when a transcript has not been prepared.

(3) 5 years — All other judicial proceedings, arbitration hearings, and discovery proceedings when a transcript has not been prepared.

When an agreement has been made between the reporter and any other person and the person has paid the reasonable charges for storage and retention of the notes, the notes or records shall be kept for any longer time agreed on. All reporters' notes shall be retained in a secure place in Florida.

(f) Exhibits.

(1) Exhibits in criminal proceedings shall be disposed of as provided by law.

(2) All other exhibits shall be retained by the clerk until 90 days after a judgment has become final. If an exhibit is not withdrawn pursuant to subdivision (i) within 90 days, the clerk may

destroy or dispose of the exhibits after giving the parties or their attorneys of record 30 days' notice of the clerk's intention to do so. Exhibits shall be delivered to any party or attorney of record calling for them during the 30-day time period.

(g) Disposition Other Than Destruction. Before destruction or disposition of court records under this rule, any person may apply to the court for an order requiring the clerk to deliver to the applicant the court records that are to be destroyed or disposed of. All parties shall be given notice of the application. The court shall dispose of that court record as appropriate.

(h) Release of Court Records. This rule does not limit the power of the court to release exhibits or other parts of court records that are the property of the person or party initially placing the items in the court records. The court may require copies to be substituted as a condition to releasing the court records under this subdivision.

(i) Right to Expunge Records. Nothing in this rule shall affect the power of the court to order records expunged.

(j) Sealed Records. No record which has been sealed from public examination by order of court shall be destroyed without hearing after such notice as the court shall require.

(k) Destruction of Jury Notes. At the conclusion of the trial and promptly following discharge of the jury, the court shall collect all juror notes and immediately destroy the juror notes.

RULE 2.440. RETENTION OF JUDICIAL BRANCH ADMINISTRATIVE RECORDS

(a) Definitions.

(1) "Judicial branch" means the judicial branch of government, which includes the state courts system, the clerk of court when acting as an arm of the court, The Florida Bar, the Florida Board of Bar Examiners, the Judicial Qualifications

Commission, and all other entities established by or operating under the authority of the supreme court or the chief justice.

(2) "Records of the judicial branch" means all records, regardless of physical form, characteristics, or means of transmission, made or received in connection with the transaction of official business by any judicial branch entity and consists of:

(A) "court records," which means the contents of the court file, including the progress docket and other similar records generated to document activity in a case, transcripts filed with the clerk, documentary exhibits in the custody of the clerk, and electronic records, videotapes, or stenographic tapes of depositions or other proceedings filed with the clerk, and electronic records, videotapes, or stenographic tapes of court proceedings; and

(B) "administrative records," which means all other records made or received pursuant to court rule, law, or ordinance, or in connection with the transaction of official business by any judicial branch entity.

(b) Retention Requirements. Administrative records in the judicial branch shall be retained in accordance with the Judicial Branch Records Retention Schedule approved by the supreme court.

2002 Commentary

This rule does not apply to court records and files that are governed by rule 2.075 [renumbered as 2.430 in 2006]. This rule applies to administrative records.

To provide a consistent schedule for retention of administrative records in the judicial branch, the Supreme Court Workgroup on Public Records recommended that the Court adopt the Judicial Branch Records Retention Schedule. This schedule uses the legislatively authorized Department of State retention schedules, as appropriate, and includes a schedule for other records that are unique to the judicial branch. [This schedule is set forth at the end of these rules.]

RULE 2.450. TECHNOLOGICAL COVERAGE OF JUDICIAL PROCEEDINGS

(a) Electronic and Still Photography Allowed. Subject at all times to the authority of the presiding judge to: (i) control the conduct of proceedings before the court; (ii) ensure decorum and prevent distractions; and (iii) ensure the fair administration of justice in the pending cause, electronic media and still photography coverage of public judicial proceedings in the appellate and trial courts of this state shall be allowed in accordance with the following standards of conduct and technology promulgated by the Supreme Court of Florida.

(b) Equipment and Personnel.

(1) At least 1 portable television camera, operated by not more than 1 camera person, shall be permitted in any trial or appellate court proceeding. The number of permitted cameras shall be within the sound discretion and authority of the presiding judge.

(2) Not more than 1 still photographer, using not more than 2 still cameras, shall be permitted in any proceeding in a trial or appellate court.

(3) Not more than 1 audio system for radio broadcast purposes shall be permitted in any proceeding in a trial or appellate court. Audio pickup for all media purposes shall be accomplished from existing audio systems present in the court facility. If no technically suitable audio system exists in the court facility, microphones and related wiring essential for media purposes shall be unobtrusive and shall be located in places designated in advance of any proceeding by the chief judge of the judicial circuit or district in which the court facility is located.

(4) Any “pooling” arrangements among the media required by these limitations on equipment and personnel shall be the sole responsibility of the media without calling upon the presiding judge to mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding. In the absence of advance media agreement on disputed

equipment or personnel issues, the presiding judge shall exclude all contesting media personnel from a proceeding.

(c) Sound and Light Criteria.

(1) Only television photographic and audio equipment that does not produce distracting sound or light shall be used to cover judicial proceedings. No artificial lighting device of any kind shall be used in connection with the television camera.

(2) Only still camera equipment that does not produce distracting sound or light shall be used to cover judicial proceedings. No artificial lighting device of any kind shall be used in connection with a still camera.

(3) It shall be the affirmative duty of media personnel to demonstrate to the presiding judge adequately in advance of any proceeding that the equipment sought to be used meets the sound and light criteria enunciated in this rule. A failure to obtain advance judicial approval for equipment shall preclude its use in any proceeding.

(d) Location of Equipment Personnel.

(1) Television camera equipment shall be positioned in such location in the court facility as shall be designated by the chief judge of the judicial circuit or district in which such facility is situated. The area designated shall provide reasonable access to coverage. If and when areas remote from the court facility that permit reasonable access to coverage are provided, all television camera and audio equipment shall be positioned only in such area. Videotape recording equipment that is not a component part of a television camera shall be located in an area remote from the court facility.

(2) A still camera photographer shall position himself or herself in such location in the court facility as shall be designated by the chief judge of the judicial circuit or district in which such facility is situated. The area designated shall provide reasonable access to coverage. Still camera photographers shall assume a fixed

position within the designated area and, once established in a shooting position, shall act so as not to call attention to themselves through further movement. Still camera photographers shall not be permitted to move about in order to obtain photographs of court proceedings.

(3) Broadcast media representatives shall not move about the court facility while proceedings are in session, and microphones or taping equipment once positioned as required by subdivision (b)(3) shall not be moved during the pendency of the proceeding.

(e) Movement During Proceedings. News media photographic or audio equipment shall not be placed in or removed from the court facility except before commencement or after adjournment of proceedings each day, or during a recess. Neither television film magazines nor still camera film or lenses shall be changed within a court facility except during a recess in the proceeding.

(f) Courtroom Light Sources. With the concurrence of the chief judge of a judicial circuit or district in which a court facility is situated, modifications and additions may be made in light sources existing in the facility, provided such modifications or additions are installed and maintained without public expense.

(g) Conferences of Counsel. To protect the attorney-client privilege and the effective right to counsel, there shall be no audio pickup or broadcast of conferences that occur in a court facility between attorneys and their clients, between co-counsel of a client, or between counsel and the presiding judge held at the bench.

(h) Impermissible Use of Media Material. None of the film, videotape, still photographs, or audio reproductions developed during or by virtue of coverage of a judicial proceeding shall be admissible as evidence in the proceeding out of which it arose, in any proceeding subsequent or collateral thereto, or upon retrial or appeal of such proceedings.

(i) Appellate Review. Review of an order excluding the electronic media from access to any proceeding, excluding coverage of a particular participant, or upon any other matters arising under these standards shall be pursuant to Florida Rule of Appellate Procedure 9.100(d).

Court Commentary

1994 Amendment. This rule was copied from Canon 3A(7) of the Code of Judicial Conduct. Canon 3A(7) represented a departure from former Canon 3A(7) [ABA Canon 35]. The former canon generally proscribed electronic media and still photography coverage of judicial proceedings from within and in areas immediately adjacent to the courtroom, with three categories of exceptions — (a) use for judicial administration, (b) coverage of investitive, ceremonial, and naturalization proceedings, and (c) use for instructional purposes in educational institutions. Subject to the limitations and promulgation of standards as mentioned therein, the revised canon constituted a general authorization for electronic media and still photography coverage for all purposes, including the purposes expressed as exceptions in the former canon. Limited only by the authority of the presiding judge in the exercise of sound discretion to prohibit filming or photographing of particular participants, consent of participants to coverage is not required. The text of the rule refers to public judicial proceedings. This is in recognition of the authority reposing in the presiding judge, upon the exercise of sound discretion, to hold certain judicial proceedings or portions thereof in camera, and in recognition of the fact that certain proceedings or portions thereof are made confidential by statute. The term "presiding judge" includes the chief judge of an appellate tribunal.

RULE 2.451. USE OF ELECTRONIC DEVICES

(a) Electronic Devices Defined. An electronic device is any device capable of making or transmitting still or moving photographs, video recordings, or images of any kind; any device capable of creating, transmitting, or receiving text or data; and any device capable of receiving, transmitting, or recording sound. Electronic devices include, without limitation, film cameras, digital

cameras, video cameras, any other type of camera, cellular telephones, tape recorders, digital voice recorders, any other type of audio recorders, laptop computers, personal digital assistants, or other similar technological devices with the ability to make or transmit video recordings, audio recordings, images, text, or data.

(b) Use of Electronic Devices by Jurors During Proceedings Conducted In Person. If jurors participate in a court proceeding in person, the following provisions govern:

(1) Electronic devices may be removed as directed by the presiding judge from all members of a jury panel at any time before deliberations, but such electronic devices must be removed from all members of a jury panel before jury deliberations begin. The electronic devices will be removed and appropriately secured by the bailiff or other person designated by the chief judge.

(2) Any electronic devices removed from members of a jury panel may be returned to the members of the jury panel during recesses in the trial. When jurors are sequestered, the presiding judge may determine whether the electronic devices will be removed from jurors during any portion of sequestration.

(3) From the time a person reports for jury service until the person is discharged from jury service, that person is prohibited from using electronic devices for any of the following purposes:

(A) making or transmitting still or moving photographs, audio recordings, video recordings, or images of any kind of the court proceedings;

(B) transmitting or accessing text or data during the court proceedings;

(C) transmitting or accessing text or data about the case on which the juror is serving;

(D) researching, transmitting, or accessing information about the case on which the juror is serving;

(E) otherwise communicating about the case on which the juror is serving; or

(F) otherwise communicating about the jury deliberations.

(4) Nothing in this rule is to be construed to limit or impair the authority of a chief judge or presiding judge to grant permission to a juror to retain his or her electronic device during trial proceedings.

(5) The jury summons mailed to prospective jurors should contain a notice that electronic devices will be removed from all members of a jury panel before jury deliberations begin and as directed by the presiding judge, may be removed at other stages of a trial. At the beginning of the trial, the presiding judge should advise the jury panel about the removal of electronic devices.

(c) Use of Electronic Devices by Jurors During Proceedings Conducted by Audio-Video Communication Technology. When prospective jurors participate in voir dire or empaneled jurors participate in a trial through audio-video communication technology as described in rule 2.530(c) and authorized by another rule of procedure, the following provisions govern:

(1) Presiding judges should ensure that the prospective and empaneled jurors have the technical ability and means necessary to connect to and participate in the court proceeding.

(2) Prospective and empaneled jurors may not use an electronic device during a court proceeding, except for the sole purpose of participating in the court proceeding, unless otherwise authorized by the presiding judge. When empaneled jurors are sequestered, the presiding judge may determine whether any electronic devices may be used by those jurors during any portion of sequestration.

(3) Prospective and empaneled jurors are subject to the prohibitions specified in subdivision (b)(3).

(4) Nothing in this rule is to be construed to limit or impair the authority of a chief judge or presiding judge to grant permission to a prospective or an empaneled juror to use his or her electronic device during a court proceeding.

(5) The jury summons mailed to prospective jurors who may participate in voir dire or trial through audio-video communication technology should contain a notice indicating that electronic devices may not be used during those court proceedings except for the sole purpose of participating in the court proceeding, unless otherwise authorized by the presiding judge. The summons should also indicate that the use of electronic devices may be prohibited by a presiding judge during a period of sequestration. At the beginning of voir dire and trial, the presiding judge should advise the prospective and empaneled jurors about the prohibition against using electronic devices during the court proceeding for any purpose other than participating in the court proceeding.

(d) Use of Electronic Devices by Others.

(1) The use of electronic devices in a courtroom is subject at all times to the authority of the presiding judge or quasi-judicial officer to

(A) control the conduct of proceedings before the court;

(B) ensure decorum and prevent distractions; and

(C) ensure the fair administration of justice in the pending cause.

(2) The use of electronic devices in a courthouse or court facility is subject at all times to the authority of the chief judge to

(A) ensure decorum and prevent distractions;

(B) ensure the fair administration of justice; and

(C) preserve court security.

Committee Note

2013 Adoption. Subdivision (c), Use of Electronic Devices by Others, parallels Florida Rule of General Practice and Judicial Administration 2.450(a) regarding the use of electronic devices by the media.

PART V. PRACTICE OF LAW

A. ATTORNEYS

RULE 2.505. ATTORNEYS

(a) Scope and Purpose. All persons in good standing as members of The Florida Bar shall be permitted to practice in Florida. Attorneys of other states who are not members of The Florida Bar in good standing shall not engage in the practice of law in Florida except to the extent permitted by rule 2.510.

(b) Persons Employed by the Court. Except as provided in this subdivision, no full-time employee of the court shall practice as an attorney in any court or before any agency of government while continuing in that position. Any attorney designated by the chief justice or chief judge may represent the court, any court employee in the employee's official capacity, or any judge in the judge's official capacity, in any proceeding in which the court, employee, or judge is an interested party. An attorney formerly employed by a court shall not represent anyone in connection with a matter in which the attorney participated personally and substantially while employed

by the court, unless all parties to the proceeding consent after disclosure.

(c) Attorney Not to Be Surety. No attorneys or other officers of court shall enter themselves or be taken as bail or surety in any proceeding in court.

(d) Stipulations. No private agreement or consent between parties or their attorneys concerning the practice or procedure in an action shall be of any force unless the evidence of it is in writing, subscribed by the party or the party's attorney against whom it is alleged. Parol agreements may be made before the court if promptly made a part of the record or incorporated in the stenographic notes of the proceedings, and agreements made at depositions that are incorporated in the transcript need not be signed when signing of the deposition is waived. This rule shall not apply to settlements or other substantive agreements.

(e) Appearance of Attorney. An attorney may appear for a party in an action or proceeding in any of the following ways:

(1) *First Pleading or Document.* Signing the first pleading or other document filed on behalf of a party.

(2) *Notice of Appearance.* Filing a notice of appearance on behalf of a party.

(3) *Order on Substitution of Counsel.* Filing of a written order by the court, that reflects written consent of the client. The court may condition substitution of counsel upon payment of or grant of security for the substituted attorney's fees and expenses or upon such other terms as may be just.

(4) *Notice of Substitution of Counsel.* Filing a notice of substitution of counsel when the substituting attorney is from the same law firm, company, or governmental agency as the replaced attorney.

(5) *Notice of Limited Appearance.* Filing a notice of limited appearance as permitted by another rule of court.

(6) *Appearance as Stand-In Counsel.* Appearing as stand-in counsel pursuant to subdivision (g).

(f) Termination of Appearance of Attorney. An appearance of an attorney for a party in an action or proceeding shall terminate only upon:

(1) *Withdrawal of Attorney.* A written order of the court after hearing upon a motion setting forth reasons for withdrawal and the client's last known address, telephone number, and e-mail address.

(2) *Substitution of Attorney.* Substitution of counsel pursuant to subdivision (e)(3) or (e)(4).

(3) *Termination of Proceeding.* Termination of an action or proceeding and expiration of any applicable time for appeal when no appeal is taken, without any further action of the court unless otherwise required by another rule of court.

(4) *Termination of Post-Judgment Appearances.*

(A) In non-criminal matters in which an attorney has appeared after entry of judgment, filing of a notice of termination of appearance.

(B) In matters governed by the rules of criminal or juvenile procedure in which an attorney has appeared after entry of a judgment, entry of a written order of the court after hearing upon a motion setting forth the reasons for withdrawal.

(5) *Termination of Limited Appearance.* Filing a notice of termination of limited appearance in an action or proceeding in which an attorney has filed a notice of limited appearance pursuant to subdivision (e)(5).

(6) *Termination of Hearing.* Conclusion of a hearing or proceeding in which an attorney has appeared as stand-in counsel pursuant to subdivision (g).

(g) Stand-In Counsel. An attorney may stand in for another attorney to cover a proceeding or hearing only if a notice of stand-in counsel is filed or the appearance of stand-in counsel is reflected on a record maintained by the court or by the clerk of court. A stand-in attorney from the same law firm, company, or governmental agency as an attorney of record is not required to file a notice of stand-in counsel.

(h) Attorney as Agent of Client. An attorney appearing in an action or proceeding pursuant to subdivisions (e)(1)–(e)(6) is the agent authorized to bind the client for purposes of the action, hearing, or proceeding.

(i) Attorney of Record. An attorney appearing in an action or proceeding pursuant to subdivisions (e)(1)–(e)(5) is an attorney of record for the party for the matters specified.

(j) Law Student and Certified Legal Intern Participation. Eligible law students shall be permitted to participate as provided under the conditions of chapter 11 of the Rules Regulating The Florida Bar as amended from time to time.

Court Commentary

1997 Amendment. Originally, the rule provided that the follow-up filing had to occur within ten days. In the 1997 amendment to the rule, that requirement was modified to provide that the follow-up filing must occur "immediately" after a document is electronically filed. The "immediately thereafter" language is consistent with language used in the rules of procedure where, in a somewhat analogous situation, the filing of a document may occur after service. *See, e.g.*, Florida Rule of Civil Procedure 1.080(d) ("All original papers shall be filed with the court either before service or *immediately thereafter*.") (emphasis added). "Immediately thereafter" has been interpreted to mean "filed with reasonable promptness." *Miami Transit Co. v. Ford*, 155 So. 2d 360 (Fla. 1963).

The use of the words "other person" in this rule is not meant to allow a nonlawyer to sign and file pleadings or other papers on behalf of another. Such conduct would constitute the unauthorized

practice of law.

2003 Amendment. Rule Regulating the Florida Bar 4-1.12(c), which addresses the imputed disqualification of a law firm, should be looked to in conjunction with the rule 2.060(b) [renumbered as 2.505(b) in 2006] restriction on representation by a former judicial staff attorney or law clerk.

RULE 2.510. FOREIGN ATTORNEYS

(a) Eligibility. Upon filing a verified motion with the court, an attorney who is an active member in good standing of the bar of another state and currently eligible to practice law in a state other than Florida may be permitted to appear in particular cases in a Florida court upon such conditions as the court may deem appropriate, provided that a member of The Florida Bar in good standing is associated as an attorney of record. The foreign attorney must make application in each court in which a case is filed even if a lower tribunal granted a motion to appear in the same case. In determining whether to permit a foreign attorney to appear pursuant to this rule, the court may consider, among other things, information provided under subdivision (b)(3) concerning discipline in other jurisdictions. No attorney is authorized to appear pursuant to this rule if the attorney (1) is a Florida resident, unless the attorney has an application pending for admission to The Florida Bar and has not previously been denied admission to The Florida Bar; (2) is a member of The Florida Bar but is ineligible to practice law; (3) has previously been disciplined or held in contempt by reason of misconduct committed while engaged in representation permitted pursuant to this rule provided, however, the contempt is final and has not been reversed or abated; (4) has failed to provide notice to The Florida Bar or pay the fees described in the Rules Regulating The Florida Bar concerning non-Florida lawyers' appearances in a Florida court; or (5) is engaged in a "general practice" before Florida courts. For purposes of this rule, more than 3 appearances within a 365-day period in separate cases shall be presumed to be a "general practice." Appearances at different levels of the court system in the same case shall be deemed 1 appearance for the purposes of determining whether a foreign attorney has made more than 3 appearances within a 365-day period. In cases

involving indigent or pro bono clients, the court may waive the fees for good cause shown. This rule shall not affect the eligibility of a foreign attorney to appear in a Florida court when authorized by federal law.

(b) Contents of Verified Motion. A form verified motion accompanies this rule and must be utilized by the foreign attorney. Within 10 days of discovering any information which is different than the representations made in the verified motion, the foreign attorney must supplement the motion with the new information. The supplemental information must be filed with the court and The Florida Bar. The obligation to supplement the motion exists until the motion is denied or the foreign attorney is no longer counsel in the case. The verified motion required by subdivision (a) must include:

(1) a statement identifying all jurisdictions in which the attorney is an active member in good standing and currently eligible to practice law, including all assigned bar numbers and attorney numbers, for which a certificate of good standing is not required;

(2) a statement identifying by date, case name, and case number all other matters in Florida state courts in which pro hac vice admission has been sought in the preceding 5 years, including any lower tribunals for the case in which the motion is filed, and whether such admission was granted or denied;

(3) a statement identifying all jurisdictions in which a judicial officer or the entity responsible for attorney regulation:

(A) initiated disciplinary, suspension, disbarment, or contempt proceedings against the attorney in the preceding 5 years including the date on which the proceeding was initiated, the nature of the alleged violation, and the result of the proceeding including any sanction, or;

(B) disciplined, suspended, disbarred, or held in contempt the attorney in the preceding 5 years including the date on which the sanction was entered and the nature of the violation;

(4) a statement identifying the date on which the legal representation at issue commenced, and the party or parties represented;

(5) a statement that all applicable provisions of these rules and the Rules Regulating The Florida Bar have been read, and that the verified motion complies with those rules;

(6) the name, record bar address, and membership status of the Florida Bar member or members associated for purposes of the representation;

(7) a certificate indicating service of the verified motion upon The Florida Bar and all counsel of record in the matter in which leave to appear pro hac vice is sought and payment of the fees described in the Rules Regulating The Florida Bar concerning non-Florida lawyers appearances in a Florida court or notice that the movant has requested a judicial waiver of said fees; and

(8) a verification by the attorney seeking to appear pursuant to this rule and the signature of the Florida Bar member or members associated for purposes of the representation.

IN THE _____ COURT OF
THE _____ JUDICIAL
CIRCUIT,
IN AND FOR _____,
COUNTY, FLORIDA

_____
Plaintiff

Case No. .....
v. Division .....

_____
Defendant

VERIFIED MOTION FOR ADMISSION TO APPEAR PRO HAC VICE
PURSUANT TO FLORIDA RULE OF GENERAL PRACTICE AND JUDICIAL ADMINISTRATION 2.510

Comes now _____
, Movant herein, and respectfully represents the following:

1. [ ] Movant resides in _____,._____
_____
(City) (State)

Movant is not a resident of the State of Florida.

[ ] Movant is a resident of the State of Florida and has an application pending for admission to The Florida Bar and has not previously been denied admission to The Florida Bar.

2. Movant is an attorney and a member of the law firm of (or practices law under the name of) _____
_____, with offices at
_____, _____,
(Street Address) (City)

_____, _____, _____, _____,
(County) (State) (Zip Code) (Telephone)

3. Movant has been retained personally or as a member of the above named law firm on _____ by _____
(Date Representation Commenced) (Name of Party or Parties)

to provide legal representation in connection with the above-styled matter now pending before the above-named court of the State of Florida.

4. Movant is an active member in good standing and currently eligible to practice law in the following jurisdiction(s):

Include attorney or bar number(s). (Attach an additional sheet if necessary.)

JURISDICTION	ATTORNEY/BAR NUMBER

5. A judicial officer or the entity responsible for attorney regulation has neither initiated disciplinary, suspension, disbarment or contempt proceedings or disciplined, suspended, disbarred or held Movant in contempt in the preceding 5 years, except as provided below (give jurisdiction of proceeding, date upon which proceeding was initiated, nature of alleged violation, statement of whether the proceeding has concluded or is still pending, and sanction, if any, imposed): (Attach an additional sheet if necessary.)

_____

_____

_____

_____

_____

6. Movant, either by resignation, withdrawal, or otherwise, never has terminated or attempted to terminate Movant's office as an attorney in order to avoid administrative, disciplinary, disbarment, or suspension proceedings.

7. Movant is not an inactive member of The Florida Bar.

8. Movant is not now a member of The Florida Bar.

9. Movant is not a suspended member of The Florida Bar.

10. Movant is not a disbarred member of The Florida Bar nor has Movant received a disciplinary resignation or disciplinary revocation from The Florida Bar.

11. Movant has not previously been disciplined or held in contempt by reason of misconduct committed while engaged in representation pursuant to Florida Rule of General Practice and Judicial Administration 2.510, except as provided below (give date of disciplinary action or contempt, reasons therefor, and court imposing contempt): (Attach an additional sheet if necessary.)

_____
_____
_____
_____
_____

12. Movant has filed motion(s) to appear as counsel in Florida state courts during the past five (5) years in the following matters: (Attach an additional sheet if necessary.)

Date of Motion Case Name Case Number Court Date Motion Granted/Denied

_____
_____
_____
_____
_____

13. Local counsel of record associated with Movant in this matter is _____ who is an active member in good standing of The Florida Bar
(Name and Florida Bar Number)

and has offices at _____, _____, _____
_____,
(Street Address) (City) (County)
_____, _____ _____.

(State) (Zip Code) (Telephone with area code)

(If local counsel is not an active member of The Florida Bar in good standing, please provide information as to local counsel's membership status._____)

14. Movant has read the applicable provisions of Florida Rule of General Practice and Judicial Administration 2.510 and Rule 1-3.10 of the Rules Regulating The Florida Bar and certifies that this verified motion complies with those rules.

15. Movant agrees to comply with the provisions of the Florida Rules of Professional Conduct and consents to the jurisdiction of the courts and the Bar of the State of Florida.

WHEREFORE, Movant respectfully requests permission to appear in this court for this cause only.

DATED this _____ day of _____, 20____.

_____
Movant

_____
Address

_____
Address

_____
City, State, Zip Code

_____
Telephone Number

_____
E-mail Address

STATE OF _____

COUNTY OF _____

I, _____, do hereby swear or affirm under penalty of perjury that I am the Movant in the above-styled matter; that I have read the foregoing Motion and know the contents thereof, and the contents are true of my own knowledge and belief.

_____

Movant

I hereby consent to be associated as local counsel of record in this cause pursuant to Florida Rule of General Practice and Judicial Administration 2.510.

DATED this _____ day of _____, 20____.

_____

Local Counsel of Record

_____

Address

_____

Address

_____

City, State, Zip Code

_____

Telephone Number

_____

Florida Bar Number

_____

E-mail Address

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing motion was served by mail to PHV Admissions, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2333 and by (e-mail) (delivery) (mail) (fax) to (name of attorney or party if not represented), and that the movant has paid the fees described in the Rules Regulating The Florida Bar concerning non-Florida lawyers appearances in a Florida court or has notified The Florida Bar of movant's request for a judicial waiver of said fees.

_____

_____

_____

this _____ day of _____, 20____.

_____

Movant

B. PRACTICE AND LITIGATION PROCEDURES

RULE 2.514. COMPUTING AND EXTENDING TIME

(a) Computing Time. The following rules apply in computing time periods specified in any rule of procedure, local rule, court order, or statute that does not specify a method of computing time.

(1) *Period Stated in Days or a Longer Unit.* When the period is stated in days or a longer unit of time:

(A) begin counting from the next day that is not a Saturday, Sunday, or legal holiday;

(B) count every day, including intermediate Saturdays, Sundays, and legal holidays; and

(C) include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, or falls within any period of time extended through an order of the chief justice under

Florida Rule of General Practice and Judicial Administration 2.205(a)(2)(B)(iv), the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday and does not fall within any period of time extended through an order of the chief justice.

(2) *Period Stated in Hours.* When the period is stated in hours

(A) begin counting immediately on the occurrence of the event that triggers the period;

(B) count every hour, including hours during intermediate Saturdays, Sundays, and legal holidays; and

(C) if the period would end on a Saturday, Sunday, or legal holiday, or during any period of time extended through an order of the chief justice under Florida Rule of General Practice and Judicial Administration 2.205(a)(2)(B)(iv), the period continues to run until the same time on the next day that is not a Saturday, Sunday, or legal holiday and does not fall within any period of time extended through an order of the chief justice.

(3) *Period Stated in Days Less Than Seven Days.* When the period stated in days is less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.

(4) *"Last Day" Defined.* Unless a different time is set by a statute, local rule, or court order, the last day ends

(A) for electronic filing or for service by any means, at midnight; and

(B) for filing by other means, when the clerk's office is scheduled to close.

(5) *"Next Day" Defined.* The "next day" is determined by continuing to count forward when the period is measured after an event and backward when measured before an event.

(6) *"Legal Holiday" Defined.* "Legal holiday" means

(A) the day set aside by section 110.117, Florida Statutes, for observing New Year's Day, Martin Luther King, Jr.'s Birthday, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, the Friday after Thanksgiving Day, or Christmas Day, and

(B) any day observed as a holiday by the clerk's office or as designated by the chief judge.

(b) Additional Time after Service by Mail. When a party may or must act within a specified time after service and service is made by mail, 5 days are added after the period that would otherwise expire under subdivision (a).

RULE 2.515. SIGNATURE AND CERTIFICATES OF ATTORNEYS AND PARTIES

(a) Attorney's Signature and Certificates. Every document of a party represented by an attorney must be signed by at least 1 attorney of record in that attorney's individual name whose current record Florida Bar address, telephone number, including area code, primary e-mail address and secondary e-mail addresses, if any, and Florida Bar number must be stated, and who must be duly licensed to practice law in Florida or who must have received permission to appear in the particular case as provided in rule 2.510. The attorney may be required by the court to give the address and primary e-mail address and secondary e-mail addresses, if any, of, and to vouch for the attorney's authority to represent, the party. Except when otherwise specifically provided by an applicable rule or statute, documents need not be verified or accompanied by affidavit. The signature of an attorney shall constitute a certificate by the attorney that:

(1) the attorney has read the document;

(2) to the best of the attorney's knowledge, information, and belief there is good ground to support the document;

(3) the document is not interposed for delay; and

(4) the document contains no confidential or sensitive information, or that any such confidential or sensitive information has been properly protected by complying with the provisions of rules 2.420 and 2.425. If a document is not signed or is signed with intent to defeat the purpose of this rule, it may be stricken and the action may proceed as though the document had not been served.

(b) Pro Se Litigant Signature. A party who is not represented by an attorney must sign any document and state the party's address; primary e-mail address and secondary e-mail addresses, if any; and telephone number, including area code.

(c) Form of Signature.

(1) The signatures required on documents by subdivisions (a) and (b) of this rule may be:

(A) original signatures;

(B) original signatures that have been reproduced by electronic means, such as on electronically transmitted documents or photocopied documents;

(C) an electronic signature indicator using the "/s/," "s/," or "/s" [name] formats authorized by the person signing a document electronically served or filed; or

(D) any other signature format authorized by general law, so long as the clerk where the proceeding is pending has the capability of receiving and has obtained approval from the Supreme Court of Florida to accept pleadings and documents with that signature format.

(2) By serving a document, or by filing a document by electronic transmission using an attorney's assigned electronic filing credentials:

(A) that attorney certifies compliance with subdivision (a)(1) through (a)(4) and accepts responsibility for the document for all purposes under this rule;

(B) that attorney certifies compliance with all rules of procedure regarding service of the document on attorneys and parties;

(C) that attorney certifies that every person identified as a signer in the document as described in subdivision (c)(1)(C) has authorized such signature; and

(D) every signing attorney is as responsible for the document as if that document had been served by such signing attorney or filed using the assigned electronic filing credentials of such signing attorney.

RULE 2.516. SERVICE OF PLEADINGS AND DOCUMENTS

(a) Service; When Required. Unless the court otherwise orders, or a statute or supreme court administrative order specifies a different means of service, every pleading subsequent to the initial pleading and every other document filed in any court proceeding, except applications for witness subpoenas and documents served by formal notice or required to be served in the manner provided for service of formal notice, must be served in accordance with this rule on each party. No service need be made on parties against whom a default has been entered, except that pleadings asserting new or additional claims against them must be served in the manner provided for service of summons.

(b) Service; How Made. When service is required or permitted to be made upon a party represented by an attorney, service must be made upon the attorney unless service upon the party is ordered by the court.

(1) *Service by Electronic Mail ("e-mail").* All documents required or permitted to be served on another party must be served by e-mail, unless the parties otherwise stipulate or this rule otherwise provides. A filer of an electronic document has complied

with this subdivision if the Florida Courts e-filing Portal ("Portal") or other authorized electronic filing system with a supreme court approved electronic service system ("e-Service system") served the document by e-mail or provided a link by e-mail to the document on a website maintained by a clerk ("e-Service"). The filer of an electronic document must verify that the Portal or other e-Service system uses the names and e-mail addresses provided by the parties pursuant to subdivision (b)(1)(A).

(A) Service on Attorneys. Unless excused pursuant to subdivision (b)(1)(B), upon appearing in a proceeding, an attorney must designate a primary e-mail address and may designate no more than two secondary e-mail addresses and is responsible for the accuracy of and changes to that attorney's own e-mail addresses maintained by the Portal or other e-Service system. Thereafter, service must be directed to all designated e-mail addresses in that proceeding. Every document filed or served by an attorney thereafter must include the primary e-mail address of that attorney and any secondary e-mail addresses. If an attorney does not designate any e-mail address for service, documents may be served on that attorney at the e-mail address on record with The Florida Bar.

(B) Exception to E-mail Service on Attorneys. Upon motion by an attorney demonstrating that the attorney has no e-mail account and lacks access to the Internet at the attorney's office, the court may excuse the attorney from the requirements of e-mail service. Service on and by an attorney excused by the court from e-mail service must be by the means provided in subdivision (b)(2).

(C) Service on and by Parties Not Represented by an Attorney. Unless excused pursuant to subdivision (b)(1)(D), any party not represented by an attorney must serve a designation of a primary e-mail address and also may designate no more than two secondary e-mail addresses to which service must be directed in that proceeding by the means provided in subdivision (b)(1) of this rule.

(D) Exceptions to E-mail Service on and by Parties Not Represented by an Attorney.

(i) A party who is in custody and who is not represented by an attorney is excused from the requirements of e-mail service.

(ii) The clerk of court must excuse a party who is not represented by an attorney from the requirements of e-mail service if the party declares on Florida Rule of General Practice and Judicial Administration Form 2.601, under penalties of perjury, that the party does not have an e-mail account or does not have regular access to the Internet. The clerks of court shall make this form available to the public at their offices and on their websites.

If a party not represented by an attorney is excused from e-mail service, service on and by that party must be by the means provided in subdivision (b)(2).

(E) Time of Service. Service by e-mail is complete on the date it is sent.

(i) If, however, the e-mail is sent by the Portal or other e-Service system, service is complete on the date the served document is electronically filed.

(ii) If the person required to serve a document learns that the e-mail was not received by an intended recipient, the person must immediately resend the document to that intended recipient by e-mail, or by a means authorized by subdivision (b)(2) of this rule.

(F) Format of E-mail for Service. Service of a document by e-mail is made by an e-mail sent to all addresses designated by the attorney or party not represented by an attorney with either (a) a copy of the document in PDF format attached or (b) a link to the document on a website maintained by a clerk.

(i) All documents served by e-mail must be sent by an e-mail message containing a subject line beginning with the words "SERVICE OF COURT DOCUMENT" in all capital letters, followed by the case number and case style of the proceeding in which the documents are being served.

(ii) The body of the e-mail must identify the court in which the proceeding is pending, the case number, the name of the initial party on each side, the title of each document served with that e-mail, and the name and telephone number of the person required to serve the document.

(iii) Any document served by e-mail may be signed by any of the "/s/," "/s," or "s/" formats.

(iv) Any e-mail which, together with its attached documents, exceeds the appropriate size limitations specified in the Florida Supreme Court Standards for Electronic Access to the Court, must be divided and sent as separate e-mails, no one of which may exceed the appropriate size limitations specified in the Florida Supreme Court Standards for Electronic Access to the Court and each of which must be sequentially numbered in the subject line.

(2) Service by Other Means. In addition to, and not in lieu of, service by e-mail, service may also be made upon attorneys and parties not represented by an attorney by any of the means specified in this subdivision. If a document is served by more than one method of service, the computation of time for any response to the served document must be based on the method of service that provides the shortest response time. Service on and by all parties who are not represented by an attorney and who are excused from e-mail service, and on and by all attorneys excused from e-mail service, must be made by delivering a copy of the document or by mailing it to the party or attorney at their last known address or, if no address is known, by noting the non-service in the certificate of service, and stating in the certificate of service that a copy of the served document may be obtained, on request, from the clerk of the court or from the party serving the document. Service by mail is

complete upon mailing. Delivery of a copy within this rule is complete upon:

(A) handing it to the attorney or to the party,

(B) leaving it at the attorney's or party's office with a clerk or other person in charge thereof,

(C) if there is no one in charge, leaving it in a conspicuous place therein,

(D) if the office is closed or the person to be served has no office, leaving it at the person's usual place of abode with some person of his or her family above 15 years of age and informing such person of the contents, or

(E) transmitting it by facsimile to the attorney's or party's office with a cover sheet containing the sender's name, firm, address, telephone number, and facsimile number, and the number of pages transmitted. When service is made by facsimile, a copy must also be served by any other method permitted by this rule. Facsimile service occurs when transmission is complete.

(F) Service by delivery is deemed complete on the date of delivery.

(c) Service; Numerous Defendants. In actions when the parties are unusually numerous, the court may regulate the service contemplated by these rules on motion or on its own initiative in such manner as may be found to be just and reasonable.

(d) Filing. All documents must be filed with the court either before service or immediately thereafter, unless otherwise provided for by general law or other rules. If the original of any bond or other document required to be an original is not placed in the court file or deposited with the clerk, a certified copy must be so placed by the clerk.

(e) Filing Defined. The filing of documents with the court as required by these rules must be made by filing them with the clerk

in accordance with rule 2.525, except that the judge may permit documents to be filed with the judge, in which event the judge must note the filing date before him or her on the documents and transmit them to the clerk. The date of filing is that shown on the face of the document by the judge's notation or the clerk's time stamp, whichever is earlier.

(f) Certificate of Service. When any attorney certifies in substance:

"I certify that the foregoing document has been furnished to (here insert name or names, addresses used for service, and mailing addresses) by (e-mail) (delivery) (mail) (fax) on ..... (date) .....

_____

Attorney"

the certificate is taken as prima facie proof of such service in compliance with this rule.

(g) Service by Clerk. When the clerk is required to serve notices and other documents, the clerk may do so by e-mail as provided in subdivision (b)(1) or by any other method permitted under subdivision (b)(2). Service by a clerk is not required to be by e-mail.

(h) Service of Orders.

(1) A copy of all orders or judgments must be transmitted by the court or under its direction to all parties at the time of entry of the order or judgment. No service need be made on parties against whom a default has been entered except orders setting an action for trial and final judgments that must be prepared and served as provided in subdivision (h)(2). The court may require that orders or judgments be prepared by a party, may require the party to furnish the court with stamped, addressed envelopes for service of the order or judgment, and may require that proposed orders and judgments be furnished to all parties before entry by the court of the order or judgment. The court may serve

any order or judgment by e-mail to all attorneys and parties not represented by an attorney who have not been excused from e-mail service.

(2) When a final judgment is entered against a party in default, the court must mail a conformed copy of it to the party. The party in whose favor the judgment is entered must furnish the court with a copy of the judgment, unless it is prepared by the court, with the address of the party to be served. If the address is unknown, the copy need not be furnished.

(3) This subdivision is directory and a failure to comply with it does not affect the order or judgment, its finality, or any proceedings arising in the action.

RULE 2.520. DOCUMENTS

(a) Electronic Filing Mandatory. All documents filed in any court shall be filed by electronic transmission in accordance with rule 2.525. "Documents" means pleadings, motions, petitions, memoranda, briefs, notices, exhibits, declarations, affidavits, orders, judgments, decrees, writs, opinions, and any paper or writing submitted to a court.

(b) Type and Size. Documents subject to the exceptions set forth in rule 2.525(d) shall be legibly typewritten or printed, on only one side of letter sized (8 1/2 by 11 inch) white recycled paper with one inch margins and consecutively numbered pages. For purposes of this rule, paper is recycled if it contains a minimum content of 50 percent waste paper. Reduction of legal-size (8 1/2 by 14 inches) documents to letter size (8 1/2 by 11 inches) is prohibited. All documents filed by electronic transmission shall comply with rule 2.526 and be filed in a format capable of being electronically searched and printed in a format consistent with the provisions of this rule.

(c) Exhibits. Any exhibit or attachment to any document may be filed in its original size.

(d) Recording Space and Space for Date and Time Stamps.

(1) On all documents prepared and filed by the court or by any party to a proceeding which are to be recorded in the public records of any county, including but not limited to final money judgments and notices of lis pendens, a 3-inch by 3-inch space at the top right-hand corner on the first page and a 1-inch by 3-inch space at the top right-hand corner on each subsequent page shall be left blank and reserved for use by the clerk of court.

(2) On all documents filed with the court, a 1-inch margin on all sides must be left blank for date and time stamps.

(A) Format. Date and time stamp formats must include a single line detailing the name of the court or Portal and shall not include clerk seals. Date stamps must be 8 numerical digits separated by slashes with 2 digits for the month, 2 digits for the date, and 4 digits for the year. Time stamps must be formatted in 12 hour time frames with a.m. or p.m. included. The font size and type must meet the Americans with Disabilities Act requirements.

(B) Location. The Portal stamp shall be on the top left of the document. The Florida Supreme Court and district courts of appeal stamps shall be on the left margin horizontally. Any administrative agency stamp shall be on the right margin horizontally. The clerk's stamp for circuit and county courts shall be on the bottom of the document.

(C) Paper Filings. When a document is filed in paper as authorized by rule, the clerk may stamp the paper document in ink with the date and time of filing instead of, or in addition to, placing the electronic stamp as described in subdivision (B). The ink stamp on a paper document must be legible on the electronic version of the document, and must neither obscure the content or other date stamp, not occupy space otherwise reserved by subdivision (B).

(e) Exceptions to Recording Space. Any documents created by persons or entities over which the filing party has no control, including but not limited to wills, codicils, trusts, or other testamentary documents; documents prepared or executed by any public officer; documents prepared, executed, acknowledged, or proved outside of the State of Florida; or documents created by State or Federal government agencies, may be filed without the space required by this rule.

(f) Noncompliance. No clerk of court shall refuse to file any document because of noncompliance with this rule. However, upon request of the clerk of court, noncomplying documents shall be resubmitted in accordance with this rule.

Court Commentary

1989 Adoption. Rule 2.055 [renumbered as 2.520 in 2006] is new. This rule aligns Florida's court system with the federal court system and the court systems of the majority of our sister states by requiring in subdivision (a) that all pleadings, motions, petitions, briefs, notices, orders, judgments, decrees, opinions, or other papers filed with any Florida court be submitted on paper measuring 8 1/2 by 11 inches. Subdivision (e) provides a 1-year transition period from the effective date of January 1, 1990, to January 1, 1991, during which time filings that traditionally have been accepted on legal-size paper will be accepted on either legal- or letter-size paper. The 1-year transition period was provided to allow for the depletion of inventories of legal-size paper and forms. The 1-year transition period was not intended to affect compliance with Florida Rule of Appellate Procedure 9.210(a)(1), which requires that typewritten appellate briefs be filed on paper measuring 8 1/2 by 11 inches. Nor was it intended that the requirement of Florida Rule of Appellate Procedure 9.210(a)(1) that printed briefs measure 6 by 9 inches be affected by the requirements of subdivision (a).

Subdivision (b), which recognizes an exception for exhibits or attachments, is intended to apply to documents such as wills and traffic citations which traditionally have not been generated on letter-size paper.

Subdivision (c) was adopted to ensure that a 1 1/2 inch square at the top right-hand corner of all filings is reserved for use by the clerk of court. Subdivision (d) was adopted to ensure that all papers and documents submitted for filing will be considered filed on the date of submission regardless of paper size. Subdivision (d) also ensures that after the 1-year transition period of subdivision (e), filings that are not in compliance with the rule are resubmitted on paper measuring 8 1/2 by 11 inches.

This rule is not intended to apply to those instruments and documents presented to the clerk of the circuit court for recording in the Official Records under section 28.222, Florida Statutes (1987). It is also not intended to apply to matters submitted to the clerk of the circuit court in the capacity as ex officio clerk of the board of county commissioners pursuant to article VIII, section (1)(d), Florida Constitution.

1996 Amendment. Subdivision (c) was amended to make the blank space requirements for use by the clerk of the court consistent with section 695.26, Florida Statutes (1995). Subdivision (e) was eliminated because the transition period for letter-size and recycled paper was no longer necessary.

RULE 2.525. ELECTRONIC FILING

(a) Definition. "Electronic transmission of documents" means the sending of information by electronic signals to, by or from a court or clerk, which when received can be transformed and stored or transmitted on paper, microfilm, magnetic storage device, optical imaging system, CD-ROM, flash drive, other electronic data storage system, server, case maintenance system ("CM"), electronic court filing ("ECF") system, statewide or local electronic portal ("e-portal"), or other electronic record keeping system authorized by the supreme court in a format sufficient to communicate the information on the original document in a readable format. Electronic transmission of documents includes electronic mail ("e-mail") and any internet-based transmission procedure, and may include procedures allowing for documents to be signed or verified by electronic means.

(b) Application. Only the electronic filing credentials of an attorney who has signed a document may be used to file that document by electronic transmission. Any court or clerk may accept the electronic transmission of documents for filing and may send documents by electronic transmission after the clerk, together with input from the chief judge of the circuit, has obtained approval of procedures, programs, and standards for electronic filing from the supreme court ("ECF Procedures"). All ECF Procedures must comply with the then-current e-filing standards, as promulgated by the supreme court in Administrative Order No. AOSC09-30, or subsequent administrative order.

(c) Documents Affected.

(1) All documents that are court records, as defined in rule 2.430(a)(1), must be filed by electronic transmission provided that:

(A) the clerk has the ability to accept and retain such documents;

(B) the clerk or the chief judge of the circuit has requested permission to accept documents filed by electronic transmission; and

(C) the supreme court has entered an order granting permission to the clerk to accept documents filed by electronic transmission.

(2) The official court file is a set of electronic documents stored in a computer system maintained by the clerk, together with any supplemental non-electronic documents and materials authorized by this rule. It consists of:

(A) documents filed by electronic transmission under this rule;

(B) documents filed in paper form under subdivision (d) that have been converted to electronic form by the clerk;

(C) documents filed in paper form before the effective date of this rule that have been converted to electronic form by the clerk;

(D) documents filed in paper form before the effective date of this rule or under subdivision (d) , unless such documents are converted into electronic form by the clerk;

(E) electronic documents filed pursuant to subdivision (d)(5); and

(F) materials and documents filed pursuant to any rule, statute or court order that either cannot be converted into electronic form or are required to be maintained in paper form.

(3) The documents in the official court file are deemed originals for all purposes except as otherwise provided by statute or rule.

(4) Any document in paper form submitted under subdivision (d) is filed when it is received by the clerk or court and the clerk shall immediately thereafter convert any filed paper document to an electronic document. “Convert to an electronic document” means optically capturing an image of a paper document and using character recognition software to recover as much of the document’s text as practicable and then indexing and storing the document in the official court file.

(5) Any storage medium submitted under subdivision (d)(5) is filed when received by the clerk or court and the clerk shall immediately thereafter transfer the electronic documents from the storage device to the official court file.

(6) If the filer of any paper document authorized under subdivision (d) provides a self-addressed, postage-paid envelope for return of the paper document after it is converted to electronic form by the clerk, the clerk shall place the paper document in the envelope and deposit it in the mail. Except when a paper document is required to be maintained, the clerk may recycle any filed paper document that is not to be returned to the filer.

(7) The clerk may convert any paper document filed before the effective date of this rule to an electronic document. Unless the clerk is required to maintain the paper document, if the paper document has been converted to an electronic document by the clerk, the paper document is no longer part of the official court file and may be removed and recycled.

(d) Exceptions. Paper documents and other submissions may be manually submitted to the clerk or court:

(1) when the clerk does not have the ability to accept and retain documents by electronic filing or has not had ECF Procedures approved by the supreme court;

(2) for filing by any self-represented party or any self-represented nonparty unless specific ECF Procedures provide a means to file documents electronically. However, any self-represented nonparty that is a governmental or public agency and any other agency, partnership, corporation, or business entity acting on behalf of any governmental or public agency may file documents by electronic transmission if such entity has the capability of filing document electronically;

(3) for filing by attorneys excused from e-mail service in accordance with rule 2.516(b);

(4) when submitting evidentiary exhibits or filing non-documentary materials;

(5) when the filing involves documents in excess of the appropriate size limitations specified in the Florida Supreme Court Standards for Electronic Access to the Court. For such filings, documents may be transmitted using an electronic storage medium that the clerk has the ability to accept, which may include a CD-ROM, flash drive, or similar storage medium;

(6) when filed in open court, as permitted by the court;

(7) when paper filing is permitted by any approved statewide or local ECF procedures; and

(8) if any court determines that justice so requires.

(e) Service.

(1) Electronic transmission may be used by a court or clerk for the service of all orders of whatever nature, pursuant to rule 2.516(h), and for the service of any documents pursuant to any ECF Procedures, provided the clerk, together with input from the chief judge of the circuit, has obtained approval from the supreme court of ECF Procedures containing the specific procedures and program to be used in transmitting the orders and documents. All other requirements for the service of such orders must be met.

(2) Any document electronically transmitted to a court or clerk must also be served on all parties and interested persons in accordance with the applicable rules of court.

(f) Administration.

(1) Any clerk who, after obtaining supreme court approval, accepts for filing documents that have been electronically transmitted must:

(A) provide electronic or telephonic access to its equipment, whether through an e-portal or otherwise, during regular business hours, and all other times as practically feasible;

(B) accept electronic transmission of the appropriate size limitations specified in the Florida Supreme Court Standards for Electronic Access to the Court; and

(C) accept filings in excess of the appropriate size limitations specified in the Florida Supreme Court Standards for Electronic Access to the Court by electronic storage device or system, which may include a CD-ROM, flash drive, or similar storage system.

(2) All attorneys, parties, or other persons using this rule to file documents are required to make arrangements with the court or clerk for the payment of any charges authorized by general

law or the supreme court before filing any document by electronic transmission.

(3) The filing date for an electronically transmitted document is the date and time that such filing is acknowledged by an electronic stamp or otherwise, pursuant to any procedure set forth in any ECF Procedures approved by the supreme court, or the date the last page of such filing is received by the court or clerk.

(4) Any court or clerk may extend the hours of access or increase the page or size limitations set forth in this subdivision.

(g) Accessibility. All documents transmitted in any electronic form under this rule must comply with the accessibility requirements of Florida Rule of Judicial Administration 2.526.

Court Commentary

1997 Amendment. Originally, the rule provided that the follow-up filing had to occur within ten days. In the 1997 amendment to the rule, that requirement was modified to provide that the follow-up filing must occur "immediately" after a document is electronically filed. The "immediately thereafter" language is consistent with language used in the rules of procedure where, in a somewhat analogous situation, the filing of a document may occur after service. *See, e.g.*, Florida Rule of Civil Procedure 1.080(d) ("All original papers shall be filed with the court either before service or *immediately thereafter*.") (emphasis added). "Immediately thereafter" has been interpreted to mean "filed with reasonable promptness." *Miami Transit Co. v. Ford*, 155 So.2d 360 (Fla.1963).

The use of the words "other person" in this rule is not meant to allow a nonlawyer to sign and file pleadings or other papers on behalf of another. Such conduct would constitute the unauthorized practice of law.

RULE 2.526. ACCESSIBILITY OF INFORMATION AND TECHNOLOGY

Any document that is or will become a judicial branch record, as defined in rule 2.420(b)(1), and that is transmitted in an electronic form, as defined in rule 2.525, must be formatted in a manner that complies with all state and federal laws requiring that electronic judicial records be accessible to persons with disabilities, including without limitation the Americans with Disabilities Act and Section 508 of the federal Rehabilitation Act of 1973 as incorporated into Florida law by section 282.603(1), Florida Statutes (2010), and any related federal or state regulations or administrative rules.

RULE 2.530. COMMUNICATION TECHNOLOGY

(a) Definitions. The following definitions apply to this rule:

(1) "Audio communication technology" means electronic devices, systems, applications, or platforms that permit all participants to hear and speak to all other participants in real time.

(2) "Audio-video communication technology" means electronic devices, systems, applications, or platforms that permit all participants to hear, see, and speak to all other participants in real time.

(3) "Communication technology" means audio communication technology or audio-video communication technology.

(4) "Court official" means a county or circuit court judge, general magistrate, special magistrate, or hearing officer.

(b) Generally. Unless governed by another rule of procedure or general law and with the exception of civil proceedings for involuntary commitment pursuant to section 394.467, Florida

Statutes, communication technology may be used for all proceedings before a court official, as provided by this rule. Subject to subdivision (b)(1) or (b)(2), if applicable, a court official may authorize the use of communication technology for the presentation of testimony or for other participation in a proceeding upon the written motion of a party or at the discretion of the court official. Reasonable advance notice of the specific form of communication technology to be used and directions for access to the communication technology must be provided in the written motion or in a written notice from the court official exercising discretion. The motion or notice must be served on all who are entitled to notice of the proceeding. A party may file an objection in writing to the use of communication technology within 10 days after service of the motion or notice or within such other period as may be directed by the court official. A party waives objections to the use of communication technology by failing to timely object to the motion or notice unless, before the date of the proceeding, the party establishes good cause for the failure to timely object. A courtesy copy of the written motion or objection must be provided to the court official in an electronic or a paper format as directed by the court official. The court official must consider any objection before authorizing the use of communication technology. The decision to authorize the use of communication technology over objection shall be in the discretion of the court official.

(1) *Non-Evidentiary Proceedings*. A court official must grant a motion to use communication technology for a non-evidentiary proceeding scheduled for 30 minutes or less unless the court official determines that good cause exists to deny the motion.

(2) *Testimony*.

(A) Procedure. A written motion by a party to present testimony through communication technology must set forth good cause why the testimony should be allowed in the

specific form requested and must specify whether each party consents to the form requested. In determining whether good cause exists, the court official may consider, without limitation, the technological capabilities of the courtroom, how the presentation of testimony through communication technology advances the proceeding or case to resolution, the consent of the parties, the time-sensitivity of the matter, the nature of the relief sought and the amount in controversy in the case, the resources of the parties, the anticipated duration of the testimony, the need and ability to review and identify documents during testimony, the probative value of the testimony, the geographic location of the witness, the cost and inconvenience in requiring the physical presence of the witness, the need to observe the demeanor of the witness, the potential for unfair surprise, and any other matter relevant to the request.

(B) Administration of the Oath. Before testimony may be presented through communication technology, the oath must be administered to the witness as provided in this subdivision.

(i) Persons Administering the Oath is Physically Present with the Witness. An oath may be administered to a witness testifying through communication technology by a person who is physically present with the witness if the person is authorized to administer oaths in the witness's jurisdiction and the oath is administered consistent with the laws of that jurisdiction.

(ii) Person Administering the Oath is not Physically Present with the Witness. An oath may be administered to a witness testifying through audio-video communication technology by a person who is not physically present with the witness if the person is authorized to administer oaths in the State of Florida and the oath is administered through audio-video communication technology in a manner consistent with the general laws of the State of Florida. If the witness is not located in the State

of Florida, the witness must consent to be bound by an oath administered under the general laws of the State of Florida.

(C) Limitation on the Form of Communication Technology Used. If the use of communication technology is authorized under this rule for a proceeding in which the mental capacity or competency of a person is at issue, only audio-video communication technology may be used for the presentation of testimony by that person.

(c) Use by Jurors. At the discretion of a chief judge, an administrative judge, or a county or circuit court judge, prospective jurors may participate, prior to the beginning of voir dire, through communication technology in a court proceeding to determine whether the prospective jurors will be disqualified, be excused, or have their jury duty postponed. If authorized by another rule of procedure, prospective jurors may participate in voir dire and empaneled jurors may participate in a trial through audio-video communication technology.

(d) Burden of Expense. Unless otherwise directed by the court, the cost for the use of audio-video communication technology is the responsibility of the requesting party, subject to allocation or taxation as costs.

(e) Override of Family Violence Indicator. Communication technology may be used for a hearing on a petition to override a family violence indicator under Florida Family Law Rule of Procedure 12.650.

RULE 2.535. COURT REPORTING

(a) Definitions.

(1) "Approved court reporter" means a court employee or contractor who performs court reporting services, including

transcription, at public expense and who meets the court's certification, training, and other qualifications for court reporting.

(2) "Approved transcriptionist" means a court employee, contractor, or other individual who performs transcription services at public expense and who meets the court's certification, training, and other qualifications for transcribing proceedings.

(3) "Civil court reporter" means a court reporter who performs court reporting services in civil proceedings not required to be reported at public expense, and who meets the court's certification, training, and other qualifications for court reporting.

(4) "Court reporting" means the act of making a verbatim record of the spoken word, whether by the use of written symbols, stenomask equipment, stenographic equipment, or electronic devices, in any proceedings pending in any of the courts of this state, including all discovery proceedings conducted in connection therewith, any proceedings reported for the court's own use, and all proceedings required by statute to be reported by an approved court reporter or civil court reporter. It does not mean the act of taking witness statements not intended for use in court as substantive evidence.

(5) "Electronic record" means the audio, analog, digital, or video record of a court proceeding.

(6) "Official record" means the transcript, which is the written or electronically stored record of court proceedings and depositions prepared in accordance with the requirements of subdivision (f).

(b) When Court Reporting Required. Any proceeding shall be reported on the request of any party. The party so requesting shall pay the reporting fees, but this requirement shall not preclude the taxation of costs as authorized by law.

(c) Record. When trial proceedings are being reported, no part of the proceedings shall be omitted unless all of the parties

agree to do so and the court approves the agreement. When a deposition is being reported, no part of the proceedings shall be omitted unless all of the parties and the witness so agree. When a party or a witness seeks to terminate or suspend the taking of a deposition for the time necessary to seek a court order, the court reporter shall discontinue reporting the testimony of the witness.

(d) Ownership of Records. The chief judge of the circuit in which a proceeding is pending, in his or her official capacity, is the owner of all records and electronic records made by an official court reporter or quasi-judicial officer in proceedings required to be reported at public expense and proceedings reported for the court's own use.

(e) Fees. The chief judge shall have the discretion to adopt an administrative order establishing maximum fees for court reporting services. Any such order must make a specific factual finding that the setting of such maximum fees is necessary to ensure access to the courts. Such finding shall include consideration of the number of court reporters in the county or circuit, any past history of fee schedules, and any other relevant factors.

(f) Transcripts. Transcripts of all judicial proceedings, including depositions, shall be uniform in and for all courts throughout the state and shall be stored in an electronic format sufficient to communicate the information contained in proceedings in a readable format, and capable of being transmitted electronically as set forth in rule 2.525. Any transcripts stored in electronic form must be capable of being printed in accordance with this rule. The form, size, spacing, and method of printing transcripts are as follows:

(1) All proceedings shall be printed on paper 8 1/2 inches by 11 inches in size and bound on the left.

(2) There shall be no fewer than 25 printed lines per page with all lines numbered 1 through 25, respectively, and with no more than a double space between lines.

(3) Font size or print shall be 9 or 10 pica, 12-point courier, or 12-point Times New Roman print with no less than 56 characters per line on questions and answers unless the text of the speaker ends short of marginal requirements.

(4) Colloquy material shall begin on the same line following the identification of the speaker, with no more than 2 spaces between the identification of the speaker and the commencement of the colloquy. The identification of the speaker in colloquy shall begin no more than 10 spaces from the left margin, and carry-over colloquy shall be indented no more than 5 spaces from the left margin.

(5) Each question and answer shall begin on a separate line no more than 5 spaces from the left margin with no more than 5 spaces from the "Q" or "A" to the text. Carry-over question and answer lines shall be brought to the left margin.

(6) Quoted material shall begin no more than 10 spaces from the left margin with carry-over lines beginning no more than 10 spaces from the left margin.

(7) Indentations of no more than 10 spaces may be used for paragraphs, and all spaces on a line as herein provided shall be used unless the text of the speaker ends short of marginal requirements.

(8) One-line parentheticals may begin at any indentation. Parentheticals exceeding 1 line shall begin no more than 10 spaces from the left margin, with carry-over lines being returned to the left margin.

(9) Individual volumes of a transcript, including depositions, shall be no more than 200 pages in length, inclusive of the index.

(10) Deviation from these standards shall not constitute grounds for limiting use of transcripts in the trial or appellate courts.

(g) Officers of the Court. Approved court reporters, civil court reporters, and approved transcriptionists are officers of the court for all purposes while acting as court reporters in judicial proceedings or discovery proceedings or as transcriptionists. Approved court reporters, civil court reporters, and approved transcriptionists shall comply with all rules and statutes governing the proceeding that are applicable to court reporters and approved transcriptionists.

(h) Court Reporting Services at Public Expense.

(1) *When Reporting Is Required.* All proceedings required by law, court rule, or administrative order to be reported shall be reported at public expense.

(2) *When Reporting May Be Required.* Proceedings reported for the court's own use may be reported at public expense.

(3) *Circuit Plan.* The chief judge, after consultation with the circuit court and county court judges in the circuit, shall enter an administrative order developing and implementing a circuit-wide plan for the court reporting of all proceedings required to be reported at public expense using either full or part time court employees or independent contractors. The plan shall ensure that all court reporting services are provided by approved court reporters or approved transcriptionists. This plan may provide for multiple service delivery strategies if they are necessary to ensure the efficient provision of court reporting services. Each circuit's plan for court reporting services shall be developed after consideration of guidelines issued by the Office of the State Courts Administrator.

(4) *Electronic Recording and Transcription of Proceedings Without Court Reporters.* A chief judge may enter a circuit-wide administrative order, which shall be recorded, authorizing the electronic recording and subsequent transcription by approved court reporters or approved transcriptionists, of any judicial proceedings, including depositions, that are otherwise required to be reported by a court reporter. Appropriate procedures shall be prescribed in the order which shall:

(A) set forth responsibilities for the court's support personnel to ensure a reliable record of the proceedings;

(B) provide a means to have the recording transcribed by approved court reporters or approved transcriptionists, either in whole or in part, when necessary for an appeal or for further use in the trial court; and

(C) provide for the safekeeping of such recordings.

(5) *Safeguarding Confidential Communications When Electronic Recording Equipment Is Used in the Courtroom.*

(A) Court personnel shall provide notice to participants in a courtroom proceeding that electronic recording equipment is in use and that they should safeguard information they do not want recorded.

(B) Attorneys shall take all reasonable and available precautions to protect disclosure of confidential communications in the courtroom. Such precautions may include muting microphones or going to a designated location that is inaccessible to the recording equipment.

(C) Participants have a duty to protect confidential information.

(6) *Grand Jury Proceedings.* Testimony in grand jury proceedings shall be reported by an approved court reporter, but shall not be transcribed unless required by order of court. Other parts of grand jury proceedings, including deliberations and voting, shall not be reported. The approved court reporter's work product, including stenographic notes, electronic recordings, and transcripts, shall be filed with the clerk of the court under seal.

(i) Court Reporting Services in Capital Cases. The chief judge, after consultation with the circuit court judges in the circuit, shall enter an administrative order developing and implementing a circuit-wide plan for court reporting in all trials in which the state seeks the death penalty and in capital postconviction proceedings.

The plan shall prohibit the use of digital court reporting as the court reporting system and shall require the use of all measures necessary to expedite the preparation of the transcript, including but not limited to:

(1) where available, the use of an approved court reporter who has the capacity to provide real-time transcription of the proceedings;

(2) if real-time transcription services are not available, the use of a computer-aided transcription qualified court reporter;

(3) the use of scopists, text editors, alternating court reporters, or other means to expedite the finalization of the certified transcript; and

(4) the imposition of reasonable restrictions on work assignments by employee or contract approved court reporters to ensure that transcript production in capital cases is given a priority.

(j) Juvenile Dependency and Termination of Parental Rights Cases. Transcription of hearings for appeals of orders in juvenile dependency and termination of parental rights cases shall be given priority, consistent with rule 2.215(g), over transcription of all other proceedings, unless otherwise ordered by the court based upon a demonstrated exigency.

Committee Note

The definitions of "electronic record" in subdivision (a)(5) and of "official record" in subdivision (a)(6) are intended to clarify that when a court proceeding is electronically recorded by means of audio, analog, digital, or video equipment, and is also recorded via a written transcript prepared by a court reporter, the written transcript shall be the "official record" of the proceeding to the exclusion of all electronic records. While the term "record" is used within Rule 2.535 and within Fla. R. App. P. 9.200, it has a different meaning within the unique context of each rule. Accordingly, the meaning of the term "record" as defined for

purposes of this rule does not in any way alter, amend, change, or conflict with the meaning of the term "record" as defined for appellate purposes in Fla. R. App. P. 9.200(a).

RULE 2.540. REQUESTS FOR ACCOMMODATIONS BY PERSONS WITH DISABILITIES

(a) Duties of Court. Qualified individuals with a disability will be provided, at the court's expense, with accommodations, reasonable modifications to rules, policies, or practices, or the provision of auxiliary aids and services, in order to participate in programs or activities provided by the courts of this state. The court may deny a request only in accordance with subdivision (e).

(b) Definitions. The definitions encompassed in the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, et seq., are incorporated into this rule.

(c) Notice Requirement.

(1) All notices of court proceedings to be held in a public facility, and all process compelling appearance at such proceedings, shall include the following statement in bold face, 14-point Times New Roman or Courier font:

"If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact [identify applicable court personnel by name, address, and telephone number] at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711."

(2) Each trial and appellate court shall post on its respective website and in each court facility the procedures for obtaining an accommodation as well as the grievance procedure adopted by that court.

(d) Process for Requesting Accommodations. The process for requesting accommodations is as follows:

(1) Requests for accommodations under this rule may be presented on a form approved or substantially similar to one approved by the Office of the State Courts Administrator, in another written format, or orally. Requests must be forwarded to the ADA coordinator, or designee, within the time frame provided in subdivision (d)(3).

(2) Requests for accommodations must include a description of the accommodation sought, along with a statement of the impairment that necessitates the accommodation and the duration that the accommodation is to be provided. The court, in its discretion, may require the individual with a disability to provide additional information about the impairment. Requests for accommodation shall not include any information regarding the merits of the case.

(3) Requests for accommodations must be made at least 7 days before the scheduled court appearance, or immediately upon receiving notification if the time before the scheduled court appearance is less than 7 days. The court may, in its discretion, waive this requirement.

(e) Response to Accommodation Request. The court must respond to a request for accommodation as follows:

(1) The court must consider, but is not limited by, the provisions of the Americans with Disabilities Act of 1990 in determining whether to provide an accommodation or an appropriate alternative accommodation.

(2) The court must inform the individual with a disability of the following:

(A) That the request for accommodation is granted or denied, in whole or in part, and if the request for accommodation is denied, the reason therefor; or that an alternative accommodation is granted;

(B) The nature of the accommodation to be provided, if any; and

(C) The duration of the accommodation to be provided.

If the request for accommodation is granted in its entirety, the court shall respond to the individual with a disability by any appropriate method. If the request is denied or granted only in part, or if an alternative accommodation is granted, the court must respond to the individual with a disability in writing, as may be appropriate, and if applicable, in an alternative format.

(3) If the court determines that a person is a qualified person with a disability and an accommodation is needed, a request for accommodation may be denied only when the court determines that the requested accommodation would create an undue financial or administrative burden on the court or would fundamentally alter the nature of the service, program, or activity.

(f) Grievance Procedure.

(1) Each judicial circuit and appellate court shall establish and publish grievance procedures that allow for the resolution of complaints. Those procedures may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Florida State Courts System.

(2) If such grievance involves a matter that may affect the orderly administration of justice, it is within the discretion of the presiding judge to stay the proceeding and seek expedited resolution of the grievance.

RULE 2.545. CASE MANAGEMENT

(a) Purpose. Judges and lawyers have a professional obligation to conclude litigation as soon as it is reasonably and justly possible to do so. However, parties and counsel shall be afforded a reasonable time to prepare and present their case.

(b) Case Control. The trial judge shall take charge of all cases at an early stage in the litigation and shall control the progress of the case thereafter until the case is determined. The trial judge shall take specific steps to monitor and control the pace of litigation, including the following:

(1) assuming early and continuous control of the court calendar;

(2) identifying priority cases as assigned by statute, rule of procedure, case law, or otherwise;

(3) implementing such docket control policies as may be necessary to advance priority cases to ensure prompt resolution;

(4) identifying cases subject to alternative dispute resolution processes;

(5) developing rational and effective trial setting policies; and

(6) advancing the trial setting of priority cases, older cases, and cases of greater urgency.

(c) Priority Cases.

(1) In all noncriminal cases assigned a priority status by statute, rule of procedure, case law, or otherwise, any party may file a notice of priority status explaining the nature of the case, the source of the priority status, any deadlines imposed by law on any aspect of the case, and any unusual factors that may bear on meeting the imposed deadlines.

(2) If, in any noncriminal case assigned a priority status by statute, rule of procedure, case law, or otherwise, a party is of the good faith opinion that the case has not been appropriately advanced on the docket or has not received priority in scheduling consistent with its priority case status, that party may seek review of such action by motion for review to the chief judge or to the chief judge's designee. The filing of such a motion for review will not toll

the time for seeking such other relief as may be afforded by the Florida Rules of Appellate Procedure.

(d) Related Cases.

(1) The petitioner in a family case as defined in this rule shall file with the court a notice of related cases in conformity with family law form 12.900(h), if related cases are known or reasonably ascertainable. A case is related when:

(A) it involves any of the same parties, children, or issues and it is pending at the time the party files a family case; or

(B) it affects the court's jurisdiction to proceed; or

(C) an order in the related case may conflict with an order on the same issues in the new case; or

(D) an order in the new case may conflict with an order in the earlier litigation.

(2) "Family cases" include dissolution of marriage, annulment, support unconnected with dissolution of marriage, paternity, child support, UIFSA, custodial care of and access to children, proceedings for temporary or concurrent custody of minor children by extended family, adoption, name change, declaratory judgment actions related to premarital, martial [marital], or postmarital agreements, civil domestic, repeat violence, dating violence, stalking, and sexual violence injunctions, juvenile dependency, termination of parental rights, juvenile delinquency, emancipation of a minor, CINS/FINS, truancy, and modification and enforcement of orders entered in these cases.

(3) The notice of related cases shall identify the caption and case number of the related case, contain a brief statement of the relationship of the actions, and contain a statement addressing whether assignment to one judge or another method of coordination will conserve judicial resources and promote an efficient determination of the actions.

(4) The notice of related cases shall be filed with the initial pleading by the filing attorney or self-represented petitioner. The notice shall be filed in each of the related cases that are currently open and pending with the court and served on all other parties in each of the related cases, and as may be directed by the chief judge or designee. Parties may file joint notices. A notice of related cases filed pursuant to this rule is not an appearance. If any related case is confidential and exempt from public access by law, then a Notice of Confidential Information Within Court Filing as required by Florida Rule of General Practice and Judicial Administration 2.420 shall accompany the notice. Parties shall file supplemental notices as related cases become known or reasonably ascertainable.

(5) Each party has a continuing duty to inform the court of any proceedings in this or any other state that could affect the current proceeding.

(6) Whenever it appears to a party that two or more pending cases present common issues of fact and that assignment to one judge or another method of coordination will significantly promote the efficient administration of justice, conserve judicial resources, avoid inconsistent results, or prevent multiple court appearances by the same parties on the same issues, the party may file a notice of related cases requesting coordination of the litigation.

(e) Continuances. All judges shall apply a firm continuance policy. Continuances should be few, good cause should be required, and all requests should be heard and resolved by a judge. All motions for continuance shall be in writing unless made at a trial and, except for good cause shown, shall be signed by the party requesting the continuance. All motions for continuance in priority cases shall clearly identify such priority status and explain what effect the motion will have on the progress of the case.

Committee Notes

The provisions in subdivision (c) of this rule governing priority cases should be read in conjunction with the provisions of rule 2.215(g), governing the duty to expedite priority cases.

RULE 2.550. CALENDAR CONFLICTS

(a) Guidelines. In resolving calendar conflicts between the state courts of Florida or between a state court and a federal court in Florida, the following guidelines must be considered:

(1) Any case priority status established by statute, rule of procedure, case law, or otherwise shall be evaluated to determine the effect that resolving a calendar conflict might have on the priority case or cases.

(2) Juvenile dependency and termination of parental rights cases are generally to be given preference over other cases, except for speedy trial and capital cases.

(3) Criminal cases are generally to be given preference over civil cases.

(4) Jury trials are generally to be given preference over non-jury trials.

(5) Appellate arguments, hearings, and conferences are generally to be given preference over trial court proceedings.

(6) The case in which the trial date has been first set generally should take precedence.

(b) Additional Circumstances. Factors such as cost, numbers of witnesses and attorneys involved, travel, length of trial, age of case, and other relevant matters may warrant deviation from these case guidelines.

(c) Notice and Agreement; Resolution by Judges. When an attorney is scheduled to appear in 2 courts at the same time and cannot arrange for other counsel to represent the clients' interests, the attorney shall give prompt written notice of the conflict to opposing counsel, the clerk of each court, and the presiding judge of each case, if known. If the presiding judge of the case cannot be identified, written notice of the conflict shall be given to the chief judge of the court having jurisdiction over the case, or to the chief

judge's designee. The judges or their designees shall confer and undertake to avoid the conflict by agreement among themselves. Absent agreement, conflicts should be promptly resolved by the judges or their designees in accordance with the above case guidelines.

Committee Notes

1996 Adoption. The adoption of this rule was prompted by the Resolution of the Florida State-Federal Judicial Council Regarding Calendar Conflicts Between State and Federal Courts, which states as follows:

WHEREAS, the great volume of cases filed in the state and federal courts of Florida creates calendar conflicts between the state and federal courts of Florida which should be resolved in a fair, efficient and orderly manner to allow for judicial efficiency and economy; and

WHEREAS, the Florida State-Federal Judicial Council which represents the Bench and Bar of the State of Florida believes that it would be beneficial to formally agree upon and publish recommended procedures and priorities for resolving calendar conflicts between the state and federal courts of Florida;

NOW, THEREFORE, BE IT RESOLVED

In resolving calendar conflicts between the state and federal courts of Florida, the following case priorities should be considered:

1. Criminal cases should prevail over civil cases.

2. Jury trials should prevail over non-jury trials.

3. Appellate arguments, hearings, and conferences should prevail over trials.

4. The case in which the trial date has been first set should take precedence.

5. Circumstances such as cost, numbers of witnesses and attorneys involved, travel, length of trial, age of case and other relevant matters may warrant deviation from this policy. Such

matters are encouraged to be resolved through communication between the courts involved.

Where an attorney is scheduled to appear in two courts — trial or appellate, state or federal — at the same time and cannot arrange for other counsel in his or her firm or in the case to represent his or her client's interest, the attorney shall give prompt written notice to opposing counsel, the clerk of each court, and the presiding judge of each case, if known, of the conflict. If the presiding judge of a case cannot be identified, written notice of the conflict shall be given to the chief judge of the court having jurisdiction over the case, or to his or her designee. The judges or their designees shall confer and undertake to avoid the conflict by agreement among themselves. Absent agreement, conflicts should be promptly resolved by the judges or their designees in accordance with the above case priorities.

In jurisdictions where calendar conflicts arise with frequency, it is recommended that each court involved consider appointing a calendar conflict coordinator to assist the judges in resolving calendar conflicts by obtaining information regarding the conflicts and performing such other ministerial duties as directed by the judges.

REVISED AND READOPTED at Miami, Florida, this 13th day of January, 1995

Court Commentary

2002 Court Commentary. As provided in subdivision (c), when a scheduling conflict involves different courts, the presiding judges should confer and undertake to agree on a resolution, using the guidelines provided in this rule.

RULE 2.555. INITIATION OF CRIMINAL PROCEEDINGS

(a) Major Statutory Offense. Law enforcement officers, at the time of the filing of a complaint with the clerk of court, shall designate whether the most serious charge on the complaint is a felony or a misdemeanor. The state attorney or the state attorney's designee, at the time of the filing of an original information or an

original indictment with the clerk of court, shall designate whether the most serious offense on the information or the indictment is a felony or misdemeanor. Complaints, original informations, and original indictments on which the most serious charge is a felony shall be filed with the clerk of the circuit court.

(b) Ordinance Violations. In cases when the state attorney has the responsibility for the prosecution of county or municipal ordinance violations, where such ordinances have state statutory equivalents, the state attorney or the state attorney's designee shall set forth at the top of the face of the accusatory instrument the exact statute number of the single most serious offense charged.

(c) Information or Indictment after County Court Proceedings Begun. When action in a criminal case has been initiated in county court, and subsequently the state attorney files a direct information or the grand jury indicts the defendant, the state attorney or the state attorney's designee shall notify the clerk without delay.

RULE 2.560. APPOINTMENT OF SPOKEN LANGUAGE COURT INTERPRETERS FOR NON-ENGLISH-SPEAKING AND LIMITED-ENGLISH-PROFICIENT PERSONS

(a) Criminal or Juvenile Delinquency Proceedings. In any criminal or juvenile delinquency proceeding in which the accused, the parent or legal guardian of the accused juvenile, the victim, or the alleged victim cannot understand or has limited understanding of English, or cannot express himself or herself in English sufficiently to be understood, an interpreter shall be appointed.

(b) Other Proceedings. In all other proceedings in which a non-English-speaking or limited-English-proficient person is a litigant, an interpreter for the non-English-speaking or limited-English-proficient litigant shall be appointed if the court determines that the litigant's inability to comprehend English deprives the litigant of an understanding of the court proceedings, that a fundamental interest is at stake (such as in a civil commitment, termination of parental rights, paternity, or dependency

proceeding), and that no alternative to the appointment of an interpreter exists.

(c) Witnesses. In any proceeding in which a non-English-speaking or limited-English-proficient person is a witness, the appointment of an interpreter shall be governed by the applicable provisions of the Florida Evidence Code.

(d) Compliance with Title VI of the Civil Rights Act of 1964. In making determinations regarding the appointment of an interpreter, the court should ensure compliance with the requirements of Title VI of the Civil Rights Act of 1964.

(e) Qualifications of Interpreter.

(1) *Appointment of Interpreters When Certified or Other Duly Qualified Interpreters Are Available.* Whenever possible, a certified or other duly qualified interpreter, as defined in the Rules for Certification and Regulation of Spoken Language Court Interpreters, shall be appointed. Preference shall be given to appointment of certified and language skilled interpreters, then to persons holding a provisionally approved designation.

(2) *Appointment of Interpreters When Certified or Other Duly Qualified Interpreters Are Unavailable.* If, after diligent search, a certified, language skilled, or provisionally approved interpreter is not available, the presiding judge, magistrate, or hearing officer, finding good cause, may appoint an interpreter who is otherwise registered with the Office of the State Courts Administrator in accordance with the Rules for Certification and Regulation of Spoken Language Court Interpreters. No appointment shall be made under this subdivision unless the presiding judge, magistrate, or hearing officer makes a determination, on the record, the proposed interpreter is competent to interpret in the proceedings.

(3) *Appointment in Exceptional Circumstances.* If after diligent search no interpreter qualifying under subdivision (e)(1) or (e)(2) of this rule is available at the time interpreter services are needed, the presiding judge, magistrate, or hearing officer, finding good cause exists for the appointment of an interpreter not

qualifying under subdivision (e)(1) or (e)(2), such as the prevention of burdensome delay, the request or consent of the non-English-speaking or limited-English-proficient person, or other unusual circumstance, may appoint an interpreter who is not certified, language skilled, provisionally approved, or otherwise registered with the Office of the State Courts Administrator. No appointment, including appointment of interpreters available via remote technology, shall be made under this subdivision unless the presiding judge, magistrate, or hearing officer finds the proposed interpreter is competent to interpret in the proceedings. This finding must be made on the record based, not only on the unavailability of an interpreter otherwise qualified in a particular language, but also on specific exigent circumstances given the demands of the case and the interpreter's sworn assertion he or she is able, either in direct or relay/intermediary interpretation, to communicate effectively in the languages in which interpreter services are required. An appointment under this subdivision shall excuse an interpreter so appointed from the registration requirements under the Rules for Certification and Regulation of Spoken Language Court Interpreters, but only for the delivery of the specific services for which the interpreter is appointed.

(4) *On-the-Record Objections or Waivers in Criminal and Juvenile Delinquency Proceedings.* In any criminal or juvenile delinquency proceeding in which the interpreter is not appointed under subdivision (e)(1) of this rule, the court shall advise the accused, on the record, that the proposed interpreter is not certified, language skilled, or provisionally approved pursuant to the Rules for Certification and Regulation of Spoken Language Court Interpreters. The accused's objection to the appointment of a proposed interpreter, or the accused's waiver of the appointment of a certified, language skilled, or provisionally approved interpreter, shall also be on the record.

(5) *Additional on-the-Record Findings, Objections, and Waivers Required at Subsequent Proceedings.* The appointment of an interpreter who is not certified, language skilled, or provisionally approved in accordance with the Rules for Certification and Regulation of Spoken Language Court Interpreters shall be limited

to a specific proceeding and shall not be extended to subsequent proceedings in a case without additional findings of good cause and qualification as required by subdivisions (e)(2) and (e)(3) of this rule, and additional compliance with the procedures for on-the-record objections or waivers provided for in subdivision (e)(4) of this rule.

(f) Privileged Communications. Whenever a person communicates through an interpreter to any person under circumstances that would render the communication privileged and such person could not be compelled to testify as to the communication, the privilege shall also apply to the interpreter.

(g) Definitions. When used in this rule, the following terms shall have the meanings set forth below:

(1) *Limited-English-Proficient Person.* A person who is unable to communicate effectively in English because the individual's primary language is not English and he or she has not developed fluency in the English language. A person with limited English proficiency may have difficulty speaking, reading, writing, or understanding English.

(2) *Proceeding.* Any hearing or trial, excluding an administrative hearing or trial, presided over by a judge, general magistrate, special magistrate, or hearing officer within the state courts.

RULE 2.565. RETENTION OF SPOKEN LANGUAGE COURT INTERPRETERS FOR NON-ENGLISH-SPEAKING AND LIMITED-ENGLISH-PROFICIENT PERSONS BY ATTORNEYS OR SELF-REPRESENTED LITIGANTS

(a) Retention of Interpreters when Certified or Other Duly Qualified Interpreters Are Available. When an attorney or self-represented litigant retains the services of an interpreter to assist a non-English-speaking or limited-English-proficient litigant or witness in a court proceeding or court-related proceeding as defined in the Rules for Certification and Regulation of Spoken

Language Court Interpreters, the attorney or self-represented litigant shall, whenever possible, retain a certified, language skilled or provisionally approved interpreter, as defined in the Rules for Certification and Regulation of Spoken Language Court Interpreters. Preference shall be given to retention of certified and language skilled interpreters, then to persons holding a provisionally approved designation.

(b) Retention of Interpreters when Certified or Other Duly Qualified Interpreters Are Unavailable. If, after diligent search, a certified, language skilled, or provisionally approved interpreter is not available, an attorney or self-represented litigant may retain an interpreter who is otherwise registered with the Office of the State Courts Administrator in accordance with the Rules for Certification and Regulation of Spoken Language Court Interpreters.

(c) Retention in Exceptional Circumstances. If, after diligent search, no interpreter qualifying under subdivision (a) or (b) of this rule is available, an attorney or self-represented litigant, for good cause, may retain an interpreter who is not certified, language skilled, provisionally approved, or otherwise registered with the Office of the State Courts Administrator.

(d) Written Declaration Substantiating Good Cause. No interpreter shall be retained under subdivision (c) unless the attorney or a self-represented litigant states under oath or affirms in a verified writing that:

(1) a diligent search has been conducted;

(2) neither a certified, language skilled, provisionally approved interpreter nor an interpreter otherwise registered with the Office of the State Courts Administrator is available to interpret in person or via remote technology; and

(3) to the best of the attorney or self-represented litigant's information and belief, the proposed interpreter is competent to interpret. In addition, the written declaration shall include the full name, mailing address, and telephone number of

the proposed interpreter; the non-English language interpreted; the date of the interpreted event; and nature of the interpreted event.

(e) Filing and Retention of Written Declaration. An attorney or self-represented litigant substantiating good cause under subdivision (d) shall submit via e-mail, a copy of the verified written declaration with the Court Interpreter Program Office in the Office of the State Courts Administrator. A prescribed form and dedicated e-mail address appear on the Court's website. The filer shall thereafter furnish a copy to the proposed interpreter, and shall:

(1) file the original declaration in any pending court action or administrative action and serve a copy thereof on all other parties; or

(2) if no action is pending at the time interpreter services are provided, retain the original declaration and serve a copy thereof on the non-English-speaking or limited-English-proficient person at the time interpreter services are provided. The declaration shall be made available to all other parties and to any state court or administrative judge, magistrate, or hearing officer upon request in any action later filed to which the interpreted event is relevant. The filing with the Office of the State Courts Administrator of a written declaration in substantial conformity with this subdivision shall excuse the proposed interpreter from the registration requirements under the Rules for Certification and Regulation of Spoken Language Interpreters for the delivery of the specific interpreter services for which certification is made.

(f) Time for Preparation, Submission, Filing, and Service. Verified written declarations required by this rule shall be prepared, submitted to the Office of State Courts Administrator, filed with the Clerk of Court, when required, and served on all parties in advance of the proceedings to which they are relevant. When compliance with this subdivision is impossible or impracticable due to the existence of emergency or other extraordinary circumstances, the attorney or self-represented litigant shall:

(1) comply with the preparation, submission, filing, and service requirements of this rule as soon as is practicable following the conclusion of the proceeding; and

(2) include in the verified written declaration a brief statement describing the emergency or other extraordinary circumstances justifying post-proceeding compliance.

RULE 2.570. PARENTAL-LEAVE CONTINUANCE

(a) Generally. Absent one or more of the findings listed in subdivision (e) of this rule, a court shall grant a timely motion for continuance based on the parental leave of the movant's lead attorney in the case, due to the birth or adoption of a child, if the motion is made within a reasonable time after the later of:

(1) the movant's lead attorney learning of the basis for the continuance; or

(2) the setting of the specific proceeding(s) or the scheduling of the matter(s) for which the continuance is sought.

(b) Content of Motion. A motion filed under this rule shall be in writing and signed by the requesting party. The motion must state all of the following:

(1) The attorney who is the subject of the motion is the movant's lead attorney.

(2) The facts necessary to establish that the motion is timely.

(3) The scope and length of the continuance requested.

(4) Whether another party objects to the motion.

(5) Any other information that the movant considers relevant to the court's consideration of the motion.

(c) Presumptive Length. Three months is the presumptive maximum length of a parental-leave continuance absent a showing of good cause that a longer time is appropriate.

(d) Burden of Proof. If the motion is challenged by another party that makes a prima facie demonstration of substantial prejudice, the burden shall shift to the movant to demonstrate that the prejudice to the requesting party caused by the denial of the motion exceeds the prejudice that would be caused to the objecting party if the requested continuance were granted.

(e) Court's Discretion; Order. It is within the court's sound discretion to deny the motion or to grant a continuance different in scope or duration than requested, if the court finds that:

(1) another party would be substantially prejudiced by the requested continuance; or

(2) the requested continuance would unreasonably delay an emergency or time-sensitive proceeding or matter.

The court shall enter a written order setting forth its ruling on the motion and the specified grounds for the ruling.

(f) Criminal, Juvenile, and Involuntary Civil Commitment of Sexually Violent Predators Cases. In a case governed by the Florida Rules of Criminal Procedure, by the Florida Rules of Juvenile Procedure, or by the Florida Rules of Civil Procedure for Involuntary Commitment of Sexually Violent Predators, a motion for continuance based on the parental leave of the lead attorney is governed by rule 2.545(e) and by any applicable Florida Rule of Criminal Procedure, Florida Rule of Juvenile Procedure, or Florida Rule of Civil Procedure for Involuntary Commitment of Sexually Violent Predators, rather than by this rule, except that in a case governed by Part III of the Florida Rules of Juvenile Procedure, a motion for continuance based on the parental leave of the lead attorney is governed by Florida Rule of Juvenile Procedure 8.240(d).

RULE 2.580. STANDARD JURY INSTRUCTIONS

(a) Use; Modification. The standard jury instructions appearing on The Florida Bar's website may be used by trial judges in instructing the jury in every trial to the extent that the instructions are applicable, unless the trial judge determines that an applicable standard jury instruction is erroneous or inadequate, in which event the judge shall modify the standard instruction or give such other instruction as the trial judge determines to be necessary to instruct the jury accurately and sufficiently on the circumstances of the case. If the trial judge modifies a standard jury instruction or gives another instruction, upon timely objection to the instruction, the trial judge shall state on the record or in a separate order the respect in which the judge finds the standard instruction erroneous or inadequate or confusing and the legal basis for varying from the standard instruction. Similarly, in all circumstances in which the comments or notes on use accompanying the standard jury instructions contain a recommendation that a certain type of instruction not be given, the trial judge may follow the recommendation unless the judge determines that the giving of such an instruction is necessary to instruct the jury accurately and sufficiently, in which event the judge shall give such instruction as the judge deems appropriate and necessary. If the trial judge does not follow such a recommendation, upon timely objection to the instruction, the trial judge shall state on the record or in the separate order the legal basis of the determination that the instruction is necessary.

(b) Referral to Committee. The party requesting and receiving a modified instruction shall send a copy of the modified instruction to the appropriate committee on standard jury instructions under rule 2.270, unless the modification is only technical or nonsubstantive in nature, so that the committee can consider the modification to determine whether the standard instruction should be amended.

(c) No Supreme Court Approval or Presumption of Correctness. The standard jury instructions approved for publication and use under rule 2.270 are not approved or otherwise

specifically authorized for use by the supreme court. The approval of a standard jury instruction under that rule shall not be construed as an adjudicative determination on the legal correctness of the instruction. Standard instructions authorized for use by the supreme court prior to the adoption of rule 2.270 shall be treated the same as and given no more deference than instructions approved for use under that rule.

FORM 2.601. REQUEST TO BE EXCUSED FROM E-MAIL SERVICE BY A PARTY NOT REPRESENTED BY AN ATTORNEY

(CAPTION)

REQUEST TO BE EXCUSED FROM E-MAIL SERVICE FOR A PARTY NOT REPRESENTED BY AN ATTORNEY

. . . . .(name). . . . . requests to be excused pursuant to Fla. R. Gen. Prac. & Jud. Admin. 2.516(b)(1)(D) from the requirements of e-mail service because I am not represented by an attorney and:

☐ I do not have an e-mail account.

☐ I do not have regular access to the internet.

By choosing not to receive documents by e-mail service, I understand that I will receive all copies of notices, orders, judgments, motions, pleadings, or other written communications by delivery or mail at the following address: . . . . .(address). . . . . .

I understand that I must keep the clerk's office and the opposing party or parties notified of my current mailing address.

Pursuant to section 92.525, Florida Statutes, under penalties of perjury, I declare that I have read the foregoing request and that the facts stated in it are true.

Dated: . . . . . .

Signature: _____

Print name: . . . . . .

Phone number: . . . . . .

CLERK'S DETERMINATION

Based on the information provided in this request, I have determined that the applicant is ☐ excused or ☐ not excused from the e-mail service requirements of Fla. R. Gen. Prac. & Jud. Admin. 2.516(b)(1)(C).

Dated: . . . . . .
Signature of the Clerk of Court: _____

CERTIFICATE OF SERVICE

I certify that a copy hereof has been furnished to the clerk of court for . . . . . County and . . . . .(insert name(s) and address(es) of parties used for service). . . . . by . . . . .(delivery) (mail). . . . . on . . . . .(date). . . . . .

_____

. . . . .(name of party). . . . .

A PERSON WHO IS NOT EXCUSED MAY SEEK REVIEW BY A JUDGE BY REQUESTING A HEARING TIME.

Sign here if you want the Judge to review the clerk's determination that you are not excused from the e-mail service requirements. You do not waive or give up any right to judicial review of the clerk's determination by not signing this part of the form:

Dated: . . . . . .
Signature: _____
Print Name: _____

FORM 2.602. DESIGNATION OF E-MAIL ADDRESS BY A PARTY NOT REPRESENTED BY AN ATTORNEY

(CAPTION)

DESIGNATION OF E-MAIL ADDRESS FOR A PARTY NOT REPRESENTED BY AN ATTORNEY

Pursuant to Fla. R. Gen. Prac. & Jud. Admin. 2.516(b)(1)(C), I, ...(name). . . . ., designate the e-mail address(es) below for electronic service of all documents related to this case.

By completing this form, I am authorizing the court, clerk of court, and all parties to send copies of notices, orders, judgments, motions, pleadings, or other written communications to me by e-mail or through the Florida Courts E-filing Portal.

I understand that I must keep the clerk's office and the opposing party or parties notified of my current e-mail address(es) and that all copies of notices, orders, judgments, motions,

pleadings, or other written communications in this case will be served at the e-mail address(es) on record at the clerk's office.

. . . . .(designated e-mail address). . . . .
. . . . .(secondary designated e-mail address(es) (if any)). . . . .

CERTIFICATE OF SERVICE

I certify that a copy hereof has been furnished to the clerk of court for . . . . . County and . . . . .(insert name(s) and address(es) of parties used for service). . . . . by . . . . .(e-mail) (delivery) (mail). . . . . on . . . . .(date). . . . . .

_____
.....(signature).....
.....(printed name).....
.....(e-mail address).....
.....(address).....
.....(phone number).....

FORM 2.603. CHANGE OF MAILING ADDRESS OR DESIGNATED E-MAIL ADDRESS

(CAPTION)

NOTICE OF CHANGE OF MAILING ADDRESS
OR DESIGNATED E-MAIL ADDRESS

I, _____ certify that my . . . . .(mailing address or designated e-mail address). . . . . has changed to _____ _____.

I understand that I must keep the clerk's office and any opposing party or parties notified of my current mailing address or e-mail address. I will file a written notice with the clerk if my mailing address or e-mail address changes again.

CERTIFICATE OF SERVICE

I certify that a copy hereof has been furnished to the clerk of court for . . . . . County and . . . . .(insert name(s) and address(es) of parties used for service). . . . . by . . . . .(e-mail) (delivery) (mail). . . . . on . . . . .(date). . . . . .

_____

.....(signature).....
.....(printed name).....
.....(e-mail address).....
.....(address).....
.....(phone number).....

APPENDIX
State of Florida
JUDICIAL BRANCH
RECORDS RETENTION SCHEDULE
FOR ADMINISTRATIVE RECORDS

GENERAL APPLICATION

This record retention schedule does not impose a duty to create records contained in the schedule. The purpose of the schedule is to authorize destruction of records after the retention period has elapsed. The records custodian may retain records longer than required by the schedule. This schedule authorizes destruction of records unless otherwise provided by court rule.

The retention period should be calculated from the time that the record is completed. For purposes of calculating the retention period, fiscal records should be considered completed at the end of a fiscal year. All retention periods are subject to the caveat "provided that applicable audits have been released."

The records custodian of the judicial branch entity that creates a record creates the "record copy" and is responsible for its retention in accordance with this schedule. The records custodian of the judicial branch entity that properly receives a record from outside the judicial branch has the "record copy" and is responsible for its retention in accordance with this schedule. Duplicates are only required to be retained until obsolete, superseded or administrative value is lost.

"Record Series" means a group of related documents arranged under a single filing arrangement or kept together as a unit because they consist of the same form, relate to the same subject, result from the same activity, or have certain common characteristics.

ACQUISITION RECORDS: LIBRARY
This record series consists of information on the acquisition of library materials including: books, periodicals, filmstrips, software, compact discs, video/audio tapes, and other non-print media. This information may include the accession date and method, the publisher and cost, the date entered into the collection, dates removed from collection, and method of final disposal.
RETENTION: Retain for life of material.

ADMINISTRATIVE CONVENIENCE RECORDS
This record series consists of a subject file, generally filed alphabetically, which is located away from the official files, such as in the Director's and other supervisory offices. The file contains DUPLICATES of correspondence, reports, publications, memoranda, etc., and is used as a working file or reference file on subjects which are currently significant or which may become significant in the near future. The material filed in this series is NOT the official file or record copy but is maintained for the convenience of the officials in carrying out their elected or appointed duties.
RETENTION: Retain until obsolete, superseded or administrative value is lost.

ADMINISTRATIVE RECORDS: PUBLIC OFFICIALS/COURT ADMINISTRATORS
This record series consists of office files documenting the substantive actions of elected or appointed officials and the court administrator. These records constitute the official record of a judicial branch entity's performance of its functions and formulation of policy and program initiative. This series will include various types of records such as correspondence; memoranda; statements prepared for delivery at meetings, conventions or other public functions that are designed to advertise and promote programs, activities and policies of the judicial branch entity; interviews; and reports concerning development and implementation of activities of the judicial branch entity. ***"These records may have archival value."***
RETENTION: 10 years.

ADMINISTRATIVE SUPPORT RECORDS
This record series consists of records accumulated relative to internal administrative activities rather than the functions for which the office exists. Normally, these records document procedures; the expenditure of funds, including budget material; day-to-day management of office personnel including training and travel; supplies, office services and equipment requests and receipts and other recorded experiences that do not serve as official documentation of the programs of the office. However, because the content of these records vary so greatly in content and value (containing some duplicates and record copies), a relatively large proportion of them are of continuing value and may be subject to the audit process. Note: Reference a more applicable records series first if one exists. ***"These records may have archival value."***
RETENTION: 2 years.

ADVERTISEMENTS: LEGAL
This record series consists of advertisements which have appeared in newspapers or in the "Administrative Weekly" on matters pertaining to the judicial branch entity and other legal ads which may or may not indirectly affect the judicial branch entity; i.e., bid invitations for construction jobs, public hearings or notices, public sales. See also "BID RECORDS: CAPITAL IMPROVEMENT SUCCESSFUL BID", "BID RECORDS: CAPITAL IMPROVEMENT UNSUCCESSFUL BIDS" and "BID RECORDS: NON-CAPITAL IMPROVEMENT."
RETENTION: 5 years.

AFFIRMATIVE ACTION RECORDS
This record series consists of copies of reports submitted to the Equal Employment Opportunity Commission (EEOC) per their requirements for the judicial branch entity's affirmative action plan. It may also include discrimination complaints, correspondence and investigative papers pertaining to the judicial branch entity's affirmative action plan. See also "EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE RECORDS."
RETENTION: 2 years.

APPLICATIONS: GUARDIAN AD LITEM, MEDIATION, OTHERS
This record series consists of applications, supporting documents, correspondence and reports relating to the application of a person to be certified as a mediator, a program to be approved to offer training for mediators, a volunteer to be approved by the Guardian ad Litem Program, or other persons or programs regulated in the judicial branch.
RETENTION: 5 years after the person or program is no longer regulated by the judicial branch.

APPLICATIONS: LIBRARY CARDS
This record series consists of library card applications which must be renewed on an annual, bi-annual, or other basis. The application may include the patron's name, address, telephone number, date of birth, as well as a statement of liability for the care and timely return of all materials checked out or utilized by the patron.
RETENTION: Retain for 30 days after expiration.

APPRAISALS: LAND PURCHASES (NOT PURCHASED)
This record series consists of documents pertaining to land not purchased by a judicial branch entity and all supporting documents. See also "APPRAISALS: LAND PURCHASES (PURCHASED)."
RETENTION: 3 years.

APPRAISALS: LAND PURCHASES (PURCHASED)
This record series consists of documents pertaining to land purchased by a judicial branch entity and all supporting documents. See also "APPRAISALS: LAND PURCHASES (NOT PURCHASED)."
RETENTION: Retain as long as judicial branch entity retains property.

ARCHITECTURAL PLANS/SPECIFICATIONS: PRELIMINARY DRAWINGS
This record series consists of those graphic and engineering preliminary drawing records that depict conceptual as well as

precise measured information essential for the planning and construction of facilities.
RETENTION: Retain until completion and acceptance.

ATTENDANCE AND LEAVE RECORDS
This record series consists of requests or applications for vacation, sick, family medical leave (FMLA) and other types of leave including leave of absences, timesheets or timecards along with any required documentation (medical statements or excuses from a physician, jury duty summons, or military orders, etc.) submitted by an employee to document authorized absences.
RETENTION: 3 years.

AUDITS: INDEPENDENT
This record series consists of a report issued by an independent auditor to establish the position of the judicial branch entity being audited against its standard of performance. See also, "AUDITS: INTERNAL," "AUDITS: STATE/FEDERAL" and "AUDITS: SUPPORTING DOCUMENTS."
RETENTION: 10 years.

AUDITS: INTERNAL
This record series consists of a report issued by an internal auditor to establish the position of a judicial branch entity being audited against its standard of performance. See also, "AUDITS: INDEPENDENT," "AUDITS: STATE/FEDERAL" and "AUDITS: SUPPORTING DOCUMENTS."
RETENTION: 3 years.

AUDITS: STATE/FEDERAL
This record series consists of a report issued by a federal or state auditor to establish the position of a judicial branch entity being audited against its standard of performance. See also, "AUDITS: INDEPENDENT," "AUDITS: INTERNAL" and "AUDITS: SUPPORTING DOCUMENTS." "These records may have archival value."
RETENTION: 10 years.

AUDITS: SUPPORTING DOCUMENTS

This record series consists of the documentation and supporting documents used to develop the audit report with all bills, accounts, records and transactions. See also "AUDITS: INDEPENDENT," "AUDITS: INTERNAL" and "AUDITS: STATE/FEDERAL."
RETENTION: 3 years.

BACKGROUND/SECURITY CHECKS
This record series consists of background/security checks for potential new hires and promotions. These checks may include a background and driver's license screening, reference check, and verification of academic standing. The files might include notices of not being hired based on the outcome of a security check and a opportunity for rebuttal. Supporting documentation consists of fingerprint cards, copy of the driver's license, copy of the transcript release form, returned form reference letters, and other necessary information.
RETENTION: 4 anniversary years.

BANK ACCOUNT AUTHORIZATION RECORDS
This record series consists of an authorization to maintain a bank account and who is authorized to sign off on the account.
RETENTION: 1 year after superseded by new authorization.

BAR APPLICANTS: ADMITTED
This record series consists of bar applications, supporting documents, all investigative materials, of administrative value, correspondence, reports, and similar materials accumulated during the bar admissions process regarding bar applicants who were subsequently admitted to The Florida Bar.
RETENTION: Bar application and fingerprint card, 5 years; all other materials, 1 year.

BAR APPLICANTS: NOT ADMITTED (WITH NO RECOMMENDATION)
This record series consists of bar applications, supporting documents, all investigative materials of administrative value, correspondence, reports, and similar materials accumulated during the bar admissions process regarding bar applicants who have not been admitted to The Florida Bar and who have not received an

unfavorable recommendation by the Florida Board of Bar Examiners.
RETENTION: 20 years or the death of the applicant, whichever is earlier.

BAR APPLICANTS: NOT ADMITTED (WITH UNFAVORABLE RECOMMENDATION)
This record series consists of bar applications, supporting documents, all investigative materials of administrative value, correspondence, reports, and similar materials accumulated during the bar admissions process regarding bar applicants who have not been admitted to The Florida Bar and who have received an unfavorable recommendation by the Florida Board of Bar Examiners by either a negotiated consent judgment or the issuance of findings of fact and conclusions of law.
RETENTION: 40 years or the death of the applicant, whichever is earlier.

BAR EXAMINATION/ANSWERS
This record series consists of answers to essay questions and answer sheets to machine-scored questions submitted by bar applicants during the bar examination administered by the Florida Board of Bar Examiners.
RETENTION: Until the conclusion of the administration of the next successive general bar examination.

BAR EXAMINATION/FLORIDA PREPARED PORTION
This record series consists of the portion of the bar examination prepared by the Florida Board of Bar Examiners.
RETENTION: 10 years from the date of the administration of the examination.

BID RECORDS: CAPITAL IMPROVEMENT SUCCESSFUL BIDS
This record series consists of information relative to the processing and letting of capital improvement successful bids including legal advertisements, “Requests for Proposal,” technical specifications, correspondence, “Invitations to Bid,” bid tabulations and bid responses. “Capital Improvements” shall mean enhancement to buildings, fixtures and all other improvements to land. See also

"BID RECORDS: CAPITAL IMPROVEMENT UNSUCCESSFUL BIDS" and "BID RECORDS: NON-CAPITAL IMPROVEMENT."
RETENTION: 10 years

BID RECORDS: CAPITAL IMPROVEMENT UNSUCCESSFUL BIDS
This record series consists of information relative to the processing and letting of capital improvement unsuccessful bids including legal advertisements, "Requests for Proposal," technical specifications, correspondence, "Invitations to Bid," bid tabulations and bid responses. "Capital Improvements" shall mean enhancement to buildings, fixtures and all other improvements to land. See also "BID RECORDS: CAPITAL IMPROVEMENT SUCCESSFUL BIDS" and "BID RECORDS: NON-CAPITAL IMPROVEMENT."
RETENTION: 5 years.

BID RECORDS: NON-CAPITAL IMPROVEMENT
This record series consists of information relative to the processing and letting of successful and unsuccessful noncapital improvement bids including legal advertisements, "Requests for Proposal," technical specifications, correspondence, "Invitations to Bid," bid tabulations and bid responses. See also "BID RECORDS: CAPITAL IMPROVEMENT SUCCESSFUL BIDS" and "BID RECORDS: CAPITAL IMPROVEMENT UNSUCCESSFUL BIDS."
RETENTION: 5 years.

BIOGRAPHICAL FILES
This record series consists of vitas, biographies, photographs and newspaper clippings of employees.
RETENTION: Retain until obsolete, superseded or administrative value is lost.

BUDGET RECORDS: APPROVED ANNUAL BUDGET
This record series consists of the approved annual budget and its amendments. See also "BUDGET RECORDS: SUPPORTING DOCUMENTS," "These records may have archival value."
RETENTION: Permanent.

BUDGET RECORDS: SUPPORTING DOCUMENTS

This record series consists of any supporting documentation supporting budget matters and is filed chronologically. See also "BUDGET RECORDS: APPROVED ANNUAL BUDGET."
RETENTION: 3 years.

BUILDING PLANS
This record series consists of graphic and engineering records that depict conceptual as well as precise measured information essential for the planning and construction of buildings. See also "ARCHITECTURAL PLANS/SPECIFICATIONS: PRELIMINARY DRAWINGS."
RETENTION: Retain for life of structure.

CALENDARS
This record series consists of a calendar showing official daily appointments and meetings.
RETENTION: 1 year.

CASE RELATED RECORDS NOT IN THE CUSTODY OF THE CLERK AND /OR NOT IN CASE FILE
This record series includes records that are related to a trial court records as defined in Rule 2.420, Florida Rules of General Practice and Judicial Administration, because they are not filed with the clerk of court and are not included in the court file. These records include, but are not limited to, drug court evaluation and progress reports, mediation reports, deferred prosecution and diversion records, and arbitration reports. Case-related trial court documents may be destroyed or disposed of after a judgment has become final in record accordance with the following schedule:
RETENTION:

(A) 60 days- Parking tickets and noncriminal traffic infractions after required audits have been completed.

(B) 2 years- Proceedings under the Small Claims Rules, Medical Mediation Proceedings.

(C) 5 years- Misdemeanor actions, criminal traffic violations, ordinance violations, civil litigation proceedings in county court

other than those under the Small Claims Rules, and civil proceedings in circuit court except marriage dissolutions and adoptions.

(D) 10 years- Probate, guardianship, and mental health proceedings.

(E) 10 years- Felony cases in which no information or indictment was filed or in which all charges were dismissed, or in which the state announced a nolle prosequi, or in which the defendant was adjudicated not guilty.

(F) 75 years- juvenile proceedings containing an order permanently depriving a parent of custody of a child, and adoptions and all felony cases not previously destroyed.

(G) Juvenile proceedings not otherwise provided for in this subdivision shall be kept for 5 years after the last entry or until the child reaches the age of majority, whichever is later.

(H) Marriage dissolutions- 10 years from the last record activity. The court may authorize destruction of court records not involving alimony, support, or custody of children 5 years from the last record activity.

CERTIFICATION FORWARD DOCUMENTS
This record series consists of lists of encumbrances to be applied against certified forward money which is money brought forward from the previous fiscal year for goods and services which were not received until the current fiscal year. See also “ENCUMBRANCE RECORDS.”
RETENTION: 3 years.

CHILD SUPPORT/ALIMONY DISBURSEMENT RECORDS: DETAIL
This series consists of records documenting disbursement of child support or alimony. The series includes, but is not limited to, check registers, check stubs, cancelled checks, cancelled warrants, disbursement ledgers, transaction journals, vendor invoice, refund records and other accounts payable related documentation.
RETENTION: 5 fiscal years

CHILD SUPPORT/ALIMONY DISBURSEMENT RECORDS: SUMMARY
This series consists of records providing summary or aggregate documentation of expenditures or transfers moneys for child support or alimony. The series may include, but is not limited to, trail balance reports, check logs and registers, summary reports, summary journal transactions and other accounts payable summary related documentation.
RETENTION: 10 fiscal years

CHILD SUPPORT/ALIMONY RECEIPT/REVENUE RECORDS: DETAIL
This series consists of records documenting specific receipts/revenues collected for child support or alimony. The series may include, but is not limited to, cash receipts, receipt books, deposit receipts, bank validated deposit slips, depository ledger reports filed with Clerk of Court, transaction journals, refund records, bad check records and other accounts receivable related documentation.
RETENTION: 5 fiscal years

CHILD SUPPORT/ALIMONY RECEIPT/REVENUE RECORDS: SUMMARY
This series consists of records providing summary or aggregate documentation of receipts/revenues collected for child support or alimony. The series may include, but is not limited to, monthly statements of bank accounts, trial balance reports, bank statements, credit and debit card reports, collection balance sheets and other receivable summary related documentation.
RETENTION: 10 fiscal years

COMPLAINTS: CITIZENS/CONSUMERS/EMPLOYEES
This record series consists of individual complaints received from citizens, consumers or employees. This file may include the name, address, date of complaint, telephone number, the complaint to whom referred and date, action taken and signature of person taking the action.
RETENTION: 1 year.

CONTINUING EDUCATION RECORDS
This record series consists of continuing education records, including records of judicial education.
RETENTION: 2 years.

CONTRACTS/LEASES/AGREEMENTS: CAPITAL IMPROVEMENT/REAL PROPERTY
This record series consists of legal documents, correspondence, reports, etc., relating to the negotiation, fulfillment and termination of capital improvement or real property contracts, leases or agreements to which the agency is a party, including contracts, leases or agreements with architects, engineers, builders, and construction companies. "Capital Improvements" shall mean improvements to real property (land, buildings, including appurtenances, fixtures and fixed equipment, structures, etc.), that add to the value and extend the useful life of the property, including construction of new structures, replacement or rehabilitation of existing structures (e.g., major repairs such as roof replacement), or removal of closed structures. "Real Property" means land, buildings, and fixtures. The terms "land," "real estate," "realty" and "real property" may be used interchangeably. See also "CONTRACTS/ LEASES/ AGREEMENTS: NON-CAPITAL IMPROVEMENT."
RETENTION: 10 fiscal years after completion or termination of contract/lease/agreement

CONTRACTS/LEASES/AGREEMENTS: NON-CAPITAL IMPROVEMENT
This record series consists of legal documents, correspondence, reports, etc., relating to the negotiation, fulfillment and termination of non-capital improvement contracts, leases or agreements to which the agency is a party. In addition, it includes the various contracts, leases or agreements entered into for the purchase of goods and services such as the purchase of gas, fuel oil and annual purchases of inventory-maintained items. See also "CONTRACTS/LEASES/AGREEMENTS: CAPITAL IMPROVEMENT/REAL PROPERTY."
RETENTION: 5 fiscal years after completion or termination of contract/lease/agreement

CORRESPONDENCE & MEMORANDA: ADMINISTRATIVE
This record series consists of routine correspondence and memoranda of a general nature that is associated with administrative practices but that does not create policy or procedure, document the business of a particular program, or act as a receipt. See also "INFORMATION REQUEST RECORDS." "These records may have archival value."
RETENTION: 3 years.

CORRESPONDENCE & MEMORANDA: PROGRAM AND POLICY DEVELOPMENT
This record series consists of correspondence and memoranda of any nature that is associated with a specific program or the development of policy and procedure. "These records may have archival value."
RETENTION: 5 years.

COURT REGISTRY
This record series consists of records, ledgers and journals showing amounts paid into the Court Registry, held by the Court, and paid out by the Court.
RETENTION: Permanent.

COURT REPORTS
This record series consists of court reports, including SRS, jury management, witness management, uniform case reporting system records, and other statistical court reports.
RETENTION: 3 years.

DEEDS: PROPERTY
This record series consists of property deeds. Series may include appraisals, surveys, and other supporting documents.
RETENTION: Retain as long as property is retained.

DELAYED BIRTH (APPLICATION/CERTIFICATE/AFFIDAVITS, ETC.)
This record series consists of an application signed by a judge for a birth (other than in a hospital usually). This record is filed with the

County Court pursuant to Section 382.0195(4)(a), Florida Statutes. Once signed, the application becomes an order. The record copy is sent to Vital Statistics.
RETENTION: Permanent

DIRECTIVES/POLICIES/PROCEDURES
This record series consists of the official management statements of policy for the organization, supporting documents, and the operating procedures which outline the methods for accomplishing the functions and activities assigned to the judicial branch entity. It includes all memoranda and correspondence generated relating to the policies and procedures which are to be followed by employees. See also "CORRESPONDENCE & MEMORANDA: PROGRAM AND POLICY DEVELOPMENT." "These records may have archival value."
RETENTION: 2 years.

DISASTER PREPAREDNESS DRILLS
This record series consists of the results of disaster preparedness exercises and the supporting documents including scenarios, location of safety related drills, time tables, response times, probable outcomes, areas of difficulties, descriptions of how difficulties were resolved, and areas for improvement. Types of drills include: fire, tornado, safety, hurricane and SARA chemical spills. See also "DIRECTIVES/POLICIES/PROCEDURES" and "DISASTER PREPAREDNESS PLANS."
RETENTION: 3 years.

DISASTER PREPAREDNESS PLANS
This record series consists of disaster preparedness and recovery plans adopted by a judicial branch entity. See also "DIRECTIVE/POLICIES/PROCEDURES."
RETENTION: Retain until obsolete, superseded or administrative value is lost.

DISBURSEMENT RECORDS: DETAIL
This series consists of records documenting specific expenditures or transfers of agency moneys for the procurement of commodities and services and other purposes. The series may include, but is not limited to, procurement records such as requisitions, requisition

logs, purchase orders, contracts, purchasing card (p-card) receipts, vendor invoices, receiving reports, acceptances of contract deliverables, approvals, and related documentation; and expenditure records for disbursements made through checks, warrants, electronic fund transfers (EFT), purchasing cards, or other methods, such as payment vouchers, approvals, check registers, cancelled checks, check stubs, cancelled warrants, disbursement ledgers, journal transactions, expenditure detail reports, refund records and other accounts payable and related documentation. Retention is based on s. 95.11(2), F.S., Statute of Limitations on contracts, obligations, or liabilities. See also "DISBURSEMENT RECORDS: SUMMARY," "PURCHASING RECORDS," and "TRAVEL RECORDS."
RETENTION: 5 fiscal years

DISBURSEMENT RECORDS: SUMMARY
This series consists of records providing summary or aggregate documentation of expenditures or transfers of agency moneys for the procurement of commodities and services and other purposes. The series may include, but is not limited to, summary records such as trial balance reports, check logs and registers, summary expenditure reports, federal grant final closeout reports, summary journal transactions, and other accounts payable summary and related documentation. See also "DISBURSEMENT RECORDS: DETAIL."
RETENTION: 10 fiscal years

DISCIPLINARY CASE FILES
This record series consists of both sustained formal or informal disciplinary cases investigated that allege employee misconduct or violations of department regulations and orders, and state/federal statutes. It includes statements by the employee, witnesses, and the person filing the complaint. "Formal discipline" is defined as disciplinary action involving demotion, removal from office, suspension, or other similar action. "Informal discipline" is defined as any disciplinary action involving written and verbal reprimands, memoranda, or other similar action. This record series also can consist of formal and informal disciplinary cases that were

determined as not sustained, unfounded, or exonerated charges. See also "PERSONNEL RECORDS".
RETENTION: 5 years.

DRAFTS AND WORKING PAPERS
This record series consists of documents, correspondence, reports, memos, and other materials in preliminary or developmental form before their iteration as a final product. Drafts may include copies of materials circulated for review for grammar, spelling, and content. Working papers may include notes and miscellaneous documents and materials used in compiling and assembling the final product. Note that some draft documents and working papers may have long-term value; such documents may even have archival or historical value. Such records might be better placed under the record series "Administrator Records: Public Officials/Court Administrators."
RETENTION: Retain until obsolete, superseded or administrative value is lost.

DRUG TEST RECORDS
This record series consists of the positive or negative results of a drug test under the Drug Free Workplace Act or as required for CDL or other drivers under US DOT regulations as well as records related to canceled tests. This series might include documents generated in decisions to administer reasonable suspicion or post-accident testing, or in verifying the existence of a medical explanation of the inability of the driver to provide adequate breath or to provide a urine specimen for testing. In addition, the case file could include: the employer's copy of an alcohol test form, including the results of the test; a copy of the controlled substances test chain of custody control form; documents sent by the Medical Review Officer (MRO) to the employer; notice to report for testing; affidavit signed by the employee stating any prescription drugs or over the counter medication currently taken; and final clearance to resume working. This record series can also consist of documentation, including memorandum and correspondence, related to an employee's refusal to take or submit samples for an alcohol and/or controlled substances test(s).
RETENTION: 5 years.

ELECTRONIC FUNDS TRANSFER RECORDS
This record series consists of documentation necessary to establish and maintain the electronic transfer of funds from one financial institution to another. The documentation may include, but is not limited to: an agreement between the two parties; a form which lists both institutions' names, their routing numbers, the name of the account holder, and the account's authorizing signature; a canceled deposit slip or check; and the paperwork for the termination of service or transfer of service to a new institution. This series does not include the paperwork on a specific individual deposit or payment.
RETENTION: 5 fiscal years

ELECTRONIC RECORDS SOFTWARE
This record series consists of proprietary and non-proprietary software as well as related documentation that provides information about the content, structure and technical specifications of computer systems necessary for retrieving information retained in machine-readable format. These records may be necessary to an audit process.
RETENTION: Retain as long as there are software dependent records.

EMPLOYEE PRE-COUNSELING RECORDS
This record series consists of material and supporting documentation which provide documentation of initial contact with an employee regarding incidents which may or may not lead to disciplinary action. This series is not considered in and of itself a part of the employee discipline record.
RETENTION: 1 year.

EMPLOYMENT EXAMINATION RECORDS
This record series consists of test plans, announcements, grades, grading scales, keyed exams, test monitor's list of candidates, any research toward the development of the tests, and any other selection or screening criteria. See "PERSONNEL RECORDS" and "RECRUITMENT & SELECTION PACKAGES."
RETENTION: 4 anniversary years

ENCUMBRANCE RECORDS
This record series consists of documents and reports which document funds that have been encumbered. See also "CERTIFICATION FORWARD DOCUMENTS."
RETENTION: 3 years.

ENDOWMENTS, BEQUESTS AND TRUST FUND RECORDS
This record series consists of creating, establishing or contributing to endowments, bequests and trust fund records. "These records may have archival value."
RETENTION: Permanent.

ENVIRONMENTAL REGULATION RECORDS
This record series consists of permits, reviews, supporting documents and correspondence resulting from environmental regulation requirements.
RETENTION: 5 years.

EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE RECORDS
This record series consists of EEO-5 and supporting documents, reviews, background papers and correspondence relating to employment papers and correspondence relating to employment statistics (race, sex, age, etc.). See also "AFFIRMATIVE ACTION RECORDS."
RETENTION: 4 anniversary years after final action

EQUIPMENT/VEHICLE MAINTENANCE RECORDS
This record series documents service, maintenance, and repairs to agency equipment and vehicles, including program changes to electronic equipment. The series may include, but is not limited to, work orders and documentation of dates/history of repairs, locations, cost of parts, hours worked, etc. Records for all agency vehicles, including ground, air, and water vehicles, are covered by this series. See also "VEHICLE RECORDS."
RETENTION: 1 fiscal year after disposition of equipment.

EQUIPMENT/VEHICLE USAGE RECORDS

This record series documents use of agency equipment and vehicles, including, but not limited to, vehicle logs indicating driver, destination, fuel/service stops, and odometer readings and/or total trip mileage; equipment usage logs and/or reports; and other usage documentation. See also "VEHICLE RECORDS."
RETENTION:

a) Record copy. 1 calendar year.

b) Duplicates. Retain until obsolete, superseded, or administrative value is lost.

EXPENDITURE PLANS: CAPITAL
This record series consists of capital improvement expenditure plans.
RETENTION: Permanent.

FACILITY RESERVATION/RENTAL RECORDS
This record series consists of forms generated in the process of renting or scheduling a public meeting hall or room, conference site, to a citizen or family, private organization, or other public agency. These forms include, but are not limited to, name of renter, renter's address and telephone number, method of payment, acknowledgment of rules, liability, damage waivers, and the date and time of the rental as well as what facility or portion of a facility is to be reserved. These forms may contain a check number, corresponding receipt number, an amount as well as deposit information. There may also be a floor plan denoting the desired arrangement of tables or chairs as requested by the renter.
RETENTION: 5 fiscal years

FEASIBILITY STUDY RECORDS
This record series consists of working papers, correspondence, consulting firm reports and management committee reports investigating various projects of the judicial branch entity.
RETENTION: 3 years.

FEDERAL AND STATE TAX FORMS/REPORTS

This record series consists of W-2 Forms, W-4 Forms, W-9 Forms, 940 Forms, 941-E Forms, 1099 Forms, 1099 Reports and UTC-6 Forms. The retention period mentioned below for the record (master) copy was established pursuant to Section 26 CFR 31.6001-1(2).
RETENTION: 4 calendar years.

GENERAL LEDGERS: ANNUAL SUMMARY
This record series consists of ledgers containing accounts to which debits and credits are posted from supporting documents of original entry. It includes all permanent ledger entries.
RETENTION: Permanent.

GRAND JURY NOTES
This record series consists of stenographic records, notes, and transcriptions made by the court reporter or stenographer during the grand jury session. These records are normally kept in a sealed container and are not subject to public inspection pursuant to Section 905.17(1), Florida Statutes. A Court order must be obtained for disposition.
RETENTION: 10 years from closing of session.

GRAND JURY RECORDS
This record series consists of jury summons, requests for recusal, juror payments, information to jurors' employers, lists of jurors, juror questionnaires, and other records related to a grand jury. This record series includes records related to a grand jury and the statewide grand jury.
RETENTION: 2 years.

GRANT FILES
This record series consists of financial, management and any other related material which is generated subsequent to application for or expenditure of grant funds. These files include all applications, supporting documentation, contracts, agreements, and routine reports. Check with applicable grant agency for any additional requirements. Project completion has not occurred until all reporting requirements are satisfied and final payments have been received. See also "PROJECT FILES: FEDERAL", and "PROJECT

FILES: NONCAPITAL IMPROVEMENT". "These records may have archival value."
RETENTION: 5 fiscal years after completion of project.

GRIEVANCE FILES (EMPLOYMENT)
This record series consists of records of all proceedings in the settlement of disputes between employer and employee. See also "PERSONNEL RECORDS."
RETENTION: 3 years.

HEALTH RECORDS: BLOOD BORNE PATHOGEN/ASBESTOS/ EXPOSURE
This record series consists of medical records of employees who may have or did come into contact with blood or other potentially hazardous materials. These confidential records include the employee's name, social security number, hepatitis B vaccination status including the dates of testing, results of examinations, medical testing, and follow up procedures, a copy of the healthcare professional's written opinion, a list of complaints which may be related to the exposure, and a copy of information provided to the healthcare professional. This record series can also consist of documents which record the exposure or possible exposure of an employee to a blood borne pathogen, contagion, radiation and chemicals above the acceptable limits or dosage. These documents may include statistical analyses, incident reports, material safety data sheets, copies of medical records or reports, risk management assessments, and other necessary data to support the possibility of exposure. Please refer to 20 CFR 1910.1030.
RETENTION: 30 years after termination, retirement, or separation from employment.

INCIDENT REPORTS
This record series consists of reports of incidents which occur at a public facility or on publicly owned property. It may include alarm malfunctions, suspicious persons, maintenance problems, or any other circumstance that should be noted for future reference or follow up.
RETENTION: 4 years.

INFORMATION REQUEST RECORDS
This record series consists of correspondence accumulated in answering inquiries from the public. See also "CORRESPONDENCE & MEMORANDA: ADMINISTRATIVE."
RETENTION: 1 year.

INSPECTION RECORDS: FIRE/SECURITY/SAFETY
This record series consists of inspection reports for fire, security, and safety.
RETENTION: 4 years.

INSPECTION REPORTS: FIRE EXTINGUISHER (ANNUAL)
This records series consists of annual fire extinguisher inspection reports.
RETENTION: 1 anniversary year or life of equipment, whichever is sooner.

INSURANCE RECORDS
This record series consists of all policies, claim filing information, correspondence and claims applications made by an agency, premium payment records which includes fire, theft, liability, medical, life, etc. on agency's property or employees. The record series also consists of a list of any insurance carriers and the premium payment amounts paid to them.
RETENTION: 5 years after final disposition of claim or expiration of policy.

INVENTORY RECORDS: PHYSICAL
This record series consists of all information regarding the physical inventory of all Operating Capital Outlay (O.C.O.) items which require an identification number and tag. Included in these reports are items sold through the auctions process as well as the Fixed Inventory Report showing all property owned by the judicial branch entity. See also "SUPPLY RECORDS."
RETENTION: 3 years.

JQC — JUDICIAL FINANCIAL DISCLOSURE FORMS

This record consists of all financial disclosure forms filed by the judiciary with the Judicial Qualifications Commission.
RETENTION: 10 years.

JQC — JUDICIAL COMPLAINTS
This record consists of individual complaints received from citizens, judges, or lawyers against members of the judiciary.
RETENTION: 3 years if complaint summarily dismissed. For the lifetime of the judge against whom the complaint has been filed in all other cases.

JUROR NOTES
Juror notes shall consist of any written notes taken by jurors during civil or criminal trials.
RETENTION: Immediate destruction upon issuance of a verdict or if the trial ends prematurely as a result of a mistrial, plea, or settlement.

JURY RECORDS
This record series consists of jury summons, requests for recusal, juror payments, information to jurors' employers, lists of jurors, juror questionnaires, and other records related to the jury pool. This record series includes records related to petit juries.
RETENTION: 2 years.

KEY AND BADGE ISSUANCE RECORDS
This record series consists of the key control system which includes receipts for keys and security or identification badges issued by employees. See also "VISITOR LOGS."
RETENTION: Retain as long as employee is employed.

LAW OFFICE MANAGEMENT ASSISTANCE SERVICE RECORDS
This record series consists of all materials in connection with consultations or advice given in the course of office management assistance services provided to an attorney, legal office, or law firm.
RETENTION: Retain until obsolete, superseded or administrative value is lost.

LEAVE TRANSACTION REPORTS

This record series consists of the printed record generated through COPES of the total hours used and the accrual earned during a pay period. It also consists of the leave balances of vacation, sick and compensatory leave for all employees in the agency.
RETENTION: 3 years.

LEGISLATION RECORDS
This record series consists of proposed legislation for the Florida Legislature and all supporting documentation, analysis or tracking information. "These records may have archival value."
RETENTION: Retain until obsolete, superseded or administrative value is lost.

LIBRARY CIRCULATION RECORDS
This record series consists of the transactions devised to make library materials and equipment available to the entire library clientele. Also, includes delinquent records and charges, copies of incoming and outgoing interlibrary loan requests for books, magazine articles, microfilms, renewals and subject searches.
RETENTION: 3 years.

LITIGATION CASE FILES
This record series consists of legal documents, notes, reports, background material, etc. created in the preparation of handling legal disputes involving a judicial branch entity. See also, "OPINIONS: LEGAL (ATTORNEY)," and "OPINIONS: LEGAL (SUPPORTING DOCUMENTS)."
RETENTION: 5 years after case closed or appeal process expired.

MAIL: UNDELIVERABLE FIRST CLASS
This record series consists of mail from any judicial branch entity, returned due to an incorrect address or postage. See also "MAILING LISTS" and "POSTAGE RECORDS."
RETENTION: 1 year.

MAILING LISTS
This record series consists of mailing lists. See also "MAIL: UNDELIVERABLE FIRST CLASS" and "POSTAGE RECORDS."

RETENTION: Retain until obsolete, superseded or administrative value is lost.

MANAGEMENT SURVEYS/STUDIES: INTERNAL
This record series consists of the raw data and work papers for any survey conducted to study management issues such as client/patron/employee satisfaction and service improvement. This data may include survey response cards, the results of telephone polls, tally sheets, opinion cards for suggestion boxes, and other records related to the study of internal operations. This does not include a consultant report. The final computation of the data is produced as a survey report and may be scheduled either as part of a feasibility study, project case file, or an operational/statistical report — depending on the nature and depth of the survey/study.
RETENTION: 1 year after final data or report released.

MATERIALS SAFETY RECORDS
This record series consists of a list of toxic substances to which an employee is, has been or may be exposed to during the course of their employment with an employer who manufacturers, produces, uses, applies or stores toxic substances in the work place.
RETENTION: 30 years.

MEMORANDA — LEGAL: COURT'S DECISION-MAKING
This record series consists of memoranda, drafts or other documents involved in a court's judicial decision-making process.
RETENTION: Retain until obsolete, superseded or administrative value is lost.

MINUTES: OFFICIAL MEETINGS
This record series consists of the minutes of meetings convened to establish policy or precedent and includes meetings of the Board of Governors of The Florida Bar and The Florida Board of Bar Examiners, and court administrative conferences. See also "MINUTES: OTHER MEETINGS" and "MINUTES: OFFICIAL MEETINGS (AUDIO/VISUAL RECORDINGS)." "These records may have archival value."
RETENTION: Permanent.

MINUTES: OFFICIAL MEETINGS (AUDIO/VISUAL RECORDINGS)
This record series consists of official audio and video recordings of meetings. See also, "MINUTES: OTHER MEETINGS."
RETENTION: Until minutes are prepared.

MINUTES: OFFICIAL MEETINGS (SUPPORTING DOCUMENTS)
This record series consists of the agenda and supporting documents for official meetings. See also "MINUTES: OTHER MEETINGS" and "MINUTES: OFFICIAL MEETINGS (AUDIO/VISUAL RECORDINGS)."
RETENTION: 3 years.

MINUTES: OTHER MEETINGS
This record series consists of minutes from all meetings which are not included in "MINUTES: OFFICIAL MEETINGS."
RETENTION: 1 year.

MONTHLY DISTRIBUTION OF FINES
This record series consists of monthly reports, prepared by the clerk, of all fines imposed under the penal laws of the state and the proceeds of all forfeited bail bonds or recognizance which are paid into the fine and forfeiture fund. The report contains the amount of fines imposed by the court and of bonds forfeited and judgments rendered on said forfeited bonds, and into whose hands they had been paid or placed for collection, the date of conviction in each case, the term of imprisonment, and the name of the officer to whom commitment was delivered.
RETENTION: 3 fiscal years.

NEWS RELEASES
This record series consists of news releases distributed by the judicial branch entity and news releases received from other offices for informational purposes. See also "PUBLIC INFORMATION CASE FILES" and "PRE-PUBLICATIONS AND MEDIA ITEM RECORDS."
"These records may have archival value."
RETENTION: 90 days.

OPERATIONAL AND STATISTICAL REPORT RECORDS: OFFICE

This record series consists of daily, weekly, monthly, biannual, and annual narrative and statistical reports of office operations made within and between judicial branch entities. Also included in this series are activity reports demonstrating the productivity of an employee or the work tasks completed for a period of time (hourly/daily/weekly).
RETENTION: Retain until obsolete, superseded or administrative value is lost.

OPINIONS: ETHICS
This record series consists of advisory ethical opinions issued by the appropriate committee in response to an inquiry from a regulated person or entity. "These records may have archival value."
RETENTION: Permanent.

OPINIONS: ETHICS (SUPPORTING DOCUMENTS)
This record series consists of supporting documents relating to advisory ethical opinions.
RETENTION: 3 years.

OPINIONS: LEGAL (ATTORNEY)
This record series consists of written opinions of lasting significance establishing policy or precedent answering legal questions involving questions of interpretation of Florida or federal law. This does not include memoranda, drafts or other documents involved in a court's judicial decision-making process. See also "CORRESPONDENCE & MEMORANDA: PROGRAM AND POLICY DEVELOPMENT", "LITIGATION CASE FILES," "MEMORANDA — LEGAL" and "OPINIONS: LEGAL (SUPPORTING DOCUMENTS)." "These records may have archival value."
RETENTION: Permanent.

OPINIONS: LEGAL (SUPPORTING DOCUMENTS)
This record series consists of the supporting documentation to the opinions that answer legal questions involving questions of interpretation of Florida or Federal law. See also "LITIGATION CASE FILES" and "OPINIONS: LEGAL (ATTORNEY)."
RETENTION: 3 years.

ORDERS: ADMINISTRATIVE
This record series consists of administrative orders as defined in Rule of General Practice and Judicial Administration 2.020(c).
RETENTION: Permanent.

ORGANIZATION CHARTS
This record series consists of organizational charts that show lines of authority and responsibility within and between judicial branch entities. See also "DIRECTIVES/POLICIES/PROCEDURES."
RETENTION: Retain until obsolete, superseded or administrative value is lost.

OTHERWISE UNCATEGORIZED RECORDS
This record series consists of all records which are not otherwise specified in this schedule.
RETENTION: Retain until obsolete, superseded or administrative value is lost.

PARKING DECAL/PERMIT RECORDS
This record series consists of parking applications for automobile and motor bike decals for employees. See also "VEHICLE RECORDS."
RETENTION: 2 years.

PAYROLL RECORDS
This record series consists of the following: a form used by staff to rectify errors in payroll processing including: wrong name, incorrect deductions or salary, inaccurate tax information, or other problems; forms authorizing direct deductions for insurance, union dues, credit unions, savings bonds, charitable contributions, deferred compensation, day care, etc.; any payroll record posted to the employee's applicable retirement plan, in any format (plus indices, if applicable), which are used to document payment for retirement or other purposes during an employee's duration of employment and also lists each rate(s) of pay changes.
RETENTION: 4 years.

PAYROLL RECORDS: REGISTERS (POSTED)

This record series consists of records posted to the employee's retirement plan, in any format (plus indexes, if applicable), which are used to document payment for retirement or other purposes during an employee's duration of employment and also lists each rate of pay. Please note that the information in this record series should be posted to an applicable retirement plan. See also other "PAYROLL RECORDS" and "SOCIAL SECURITY CONTROLLED SUMMARY RECORDS."
RETENTION: 4 years.

PERSONNEL RECORDS
This record series consists of an application for employment, resume, personnel action reports, directly related correspondence, oath of loyalty, fingerprints, medical examination reports, performance evaluation reports, worker's compensation reports, and other related materials. See also "EMPLOYMENT EXAMINATION RECORDS," "DISCIPLINARY CASE FILES," and other "PERSONNEL RECORDS."
RETENTION: 25 years after separation or termination of employment.

PERSONNEL RECORDS: LOCATOR
This record series consists of a log or card of where to locate personnel including name of individual, location to be found, date, address, emergency contact and other general information.
RETENTION: Retain until obsolete, superseded or administrative value is lost.

PERSONNEL RECORDS: OPS/TEMPORARY EMPLOYMENT
This record series consists of all information relating to each O.P.S. or temporary employee within each judicial branch entity. Also, records may include an employment application, resume, personnel action forms and any correspondence relating to that individual. Temporary employment may include personnel from a local employment agency. See also "EMPLOYMENT EXAMINATION RECORDS," DISCIPLINARY CASE FILES," and other "PERSONNEL RECORDS."
RETENTION: 3 years.

PETTY CASH DOCUMENTATION RECORDS
This record series consists of receipts, bills and monthly balances indicating amount needed for replenishing this revolving account.
RETENTION: 3 years.

POSITION DESCRIPTION RECORDS
This record series consists of specifically assigned duties and responsibilities for a particular position, including percentage breakdown of duties.
RETENTION: 2 years after superseded.

POSTAGE RECORDS
This record series consists of a detailed listing showing the amount of postage used, date, unused balance and purpose. See also "MAILING LISTS" and "MAIL: UNDELIVERABLE FIRST CLASS."
RETENTION: 3 years.

PRE-PUBLICATIONS AND MEDIA ITEM RECORDS
This record series consists of records used to generate publications such as catalogs, pamphlets and leaflets and other media items including rough, blue lined, and final copies. See also "NEWS RELEASES" and "PUBLIC INFORMATION CASE FILES".
RETENTION: Retain until receipt of final copy.

PROCLAMATIONS/RESOLUTIONS
This record series consists of an expression of a governing body or public official concerning administrative matters, an expression of a temporary character or a provision for the disposition of a particular item of the administrative business of a governing body or judicial branch entity. See also,
"DIRECTIVES/POLICIES/PROCEDURES." "These records may have archival value."
RETENTION: Permanent.

PROCLAMATIONS/RESOLUTIONS: SUPPORTING DOCUMENTS
This record series consists of documents that were used to prepare a proclamation or resolution. See also

"PROCLAMATIONS/RESOLUTIONS" and "DIRECTIVES/POLICIES/PROCEDURES."
RETENTION: 3 years.

PROGRAM/SUBJECT/REFERENCE FILES
This record series may contain correspondence, reports, memoranda, studies, articles, etc. regarding topics of interest to or addressed by a judicial branch entity. See also, "ADMINISTRATIVE RECORDS: PUBLIC OFFICIALS/COURT ADMINISTRATORS".
RETENTION: Retain until obsolete, superseded, or administrative value is lost.

PROJECT FILES: CAPITAL IMPROVEMENT
This record series consists of correspondence or memoranda, drawings, resolutions, narratives, budget revisions, survey information, change orders, computer runs and reports all pertaining to capital improvement projects, construction and contract specifications for various proposed projects sent out for bid. See also "PROJECT FILES: FEDERAL," and "PROJECT FILES: NON-CAPITAL IMPROVEMENT."
RETENTION: 10 years

PROJECT FILES: FEDERAL
This record series consists of original approved project contracts, agreements, awards, and line-item budgets, budget amendments, cash requests, correspondence and audit reports. See also "GRANT FILES" and "PROJECT FILES: CAPITAL IMPROVEMENT."
RETENTION: 5 years.

PROJECT FILES: NON-CAPITAL IMPROVEMENT
This record series consists of correspondence or memoranda, drawings, resolutions, narratives, budget revisions, survey information, change orders, computer runs and reports all pertaining to projects in progress, construction and contract specifications for various proposed projects sent out for bid. See also "GRANT FILES," "PROJECT FILES: CAPITAL IMPROVEMENT," and "PROJECT FILES: FEDERAL."
RETENTION: 5 years.

PROPERTY TRANSFER FORMS
This record series consists of all capital and non-capital property transfer forms to declare surplus or transfer to another unit of local or state government. This series does not include real property transfers.
RETENTION: 1 year.

PUBLIC INFORMATION CASE FILES
This record series consists of speeches and drafts, contact prints, negatives, enlargements from negatives and transparencies created as illustrations in publications or as visual displays of activities of the judicial branch entity. See also "NEWS RELEASES," and "PRE-PUBLICATIONS AND MEDIA ITEM RECORDS." "These records may have archival value."
RETENTION: 90 days.

PUBLIC PROGRAM/EVENT RECORDS: CONTRACTED
This record series consists of case files of events or programs which are available to the public or segments of the public. Files may include copies of contracts or agreements, participant or performer information, program details and arrangements, photo or video tapes. See also "PUBLIC PROGRAM/EVENT RECORDS: NON-CONTRACTED."
RETENTION: 5 years.

PUBLIC PROGRAM/EVENT RECORDS: NON-CONTRACTED
This record series consists of case files of events or programs which are available to the public or segments of the public. Files may include copies of contracts or agreements, participant or performer information, program details and arrangements, photo or video tapes. See also "PUBLIC PROGRAM/EVENT RECORDS: CONTRACTED."
RETENTION: 3 years.

PURCHASING RECORDS
This record series consists of a copy of the purchase order which is retained by the originating office while another is sent by the purchasing office to the appropriate vendor for action. The series

may include, but is not limited to, copies of requisitions sent by the originating office to supply, purchasing, graphics, duplicating, or other sections for action; copies of receiving reports; and a log of outstanding and paid requisitions and purchase orders used for cross-referencing purposes. See also "DISBURSEMENT RECORDS: DETAIL."
RETENTION: 5 fiscal years

RECEIPT/REVENUE RECORDS: DETAIL
This series consists of records documenting specific receipts/revenues collected by an agency through cash, checks, electronic fund transfers (EFT), credit and debit cards, or other methods. The series may include, but is not limited to, records such as cash collection records and reports, cash receipt books, cash register tapes, deposit/transfer slips, EFT notices, credit and debit card records, receipt ledgers, receipt journal transactions and vouchers, refund records, bad check records, and other accounts receivable and related documentation. Retention is based on s. 95.11(2), F.S., Statute of Limitations on contracts, obligations, or liabilities. See also "RECEIPT/REVENUE RECORDS: SUMMARY."
RETENTION: 5 fiscal years provided applicable audits have been released.

RECEIPT/REVENUE RECORDS: SUMMARY
This series consists of records providing summary or aggregate documentation of receipts/revenues collected by an agency. The series may include, but is not limited to, records such as trial balance reports, bank statements, credit and debit card reports, revenue reconciliations, collection balance sheets, and other accounts receivable summary and related documentation. See also "RECEIPT/REVENUE RECORDS: DETAIL."
RETENTION: 10 fiscal years provided applicable audits have been released.

RECEIPTS: REGISTERED AND CERTIFIED MAIL
This record series consists of receipts for registered and certified mail sent out or received by a particular judicial branch entity. See also "MAIL: UNDELIVERABLE FIRST CLASS," and "POSTAGE RECORDS."

RETENTION: 1 year.

RECRUITMENT & SELECTION PACKAGES
This record series consists of all records which document the selection process and justify the selection process and justify the selection decision including: details of the job analysis and identification of the knowledge, skills and abilities necessary to perform the job; application forms and/or resumes for employment including demographic data of applicants including but not limited to race, sex, age and veteran status; list of all applicants' name and ratings or rankings (if applicable) for each selection technique; description of the selection process; selection techniques used, including samples, supplemental applications, etc.; the current position description; the names and titles of all persons administering the selection process or participating in making selection decisions; the job opportunity announcement and any other recruitment efforts; and other information that affects the selection decisions. See also "EMPLOYMENT EXAMINATION RECORDS".
RETENTION: 4 anniversary years after personnel action and any litigation is resolved.

SALARY COMPARISON REPORTS
This record series consists of a report which is distributed and provided for reference purposes only. This data is compiled from records located in the Personnel Office.
RETENTION: 1 year.

SALARY SCHEDULES
This record series consists of a pay grade comparison chart or log indicating the salary classification for each position.
RETENTION: 10 years.

SEARCH COMMITTEE RECORDS
This record series consists of minutes, reports, vitas, resumes, interview score sheets, interview results, list of priority hires, a personnel requisition, references of applicants and the affirmative action compliance report.
RETENTION: 180 days

SEARCH WARRANTS SERVED: NO ARREST/NO CASE FILED
This record series consists of the original affidavit for search warrant, search warrant and return of the search warrant. Series may also include property inventory and receipt, if any property was obtained. After execution of the warrant it is filed with the Clerk of Court as served with no arrest having been made. Since no court case is generated, these are kept as a separate record series.
RETENTION: 1 year after date of return.

SOCIAL SECURITY CONTROLLED SUMMARY RECORDS
This record series consists of a judicial branch entity's copy of the State's FICA report mailed to the Division of Retirement. Report lists the total taxable wages plus the amount withheld from employee wages plus employer's contribution. See also "PAYROLL RECORDS."
RETENTION: 4 calendar years after due date of tax.

STATE AUTOMATED MANAGEMENT ACCOUNTING SYSTEM (SAMAS) REPORTS
This record series consists of reports of all updated transactions entered into the system and a financial statement for each month for all divisions of judicial branch entities.
RETENTION: 3 years.

STATE AWARDS AND RECOGNITION FILES
This record series consists of data relating to the State Meritorious Service Awards Program. File contains employee suggestion forms (Form DMS/EPE.AWP01), evaluations, adoption forms and payment records. It also contains Superior Accomplishment nomination forms and payment records. Summary information submitted to the Department of Management Services for Annual Workforce Report (Form DMS/EPE.AWP02) is also contained in this record series.
RETENTION: 3 years.

SUPPLY RECORDS
This record series consists of documentation of a perpetual inventory of expendable supplies located in a central supply office for use by judicial branch entity employees. Included in this series

is a listing of all available supplies which is distributed periodically or upon request. See also "INVENTORY RECORDS: PHYSICAL."
RETENTION: 3 years.

SURVEILLANCE VIDEO TAPES
This record series consists of surveillance video tapes created to monitor activities occurring both within and outside of public buildings. This tape may play an integral part in prosecution or disciplinary actions.
RETENTION: 30 days, then erase and reuse provided any necessary images are saved.

TELEPHONE CALL RECORDS: LONG DISTANCE
This record series consists of documentation and logs of separately billed long distance telephone service.
RETENTION: 1 year.

TRAINING MATERIAL RECORDS
This record series consists of materials used in training, such as films, slides, commentaries, manuals, workbooks and other related items. This records series does not include individual training records.
RETENTION: Retain until obsolete, superseded or administrative value is lost.

TRAINING RECORDS: EMPLOYEE
This record series consists of a record for each employee which may include all educational and training records of the employee. See also "PERSONNEL RECORDS."
RETENTION: 3 years.

TRANSITORY MESSAGES
This record series consists of those records that are created primarily for the communication of information, as opposed to communications designed for the perpetuation of knowledge. Transitory messages do not set policy, establish guidelines or procedures, certify a transaction, or become a receipt. The informal tone of transitory messages might be compared to the communication that might take place during a telephone

conversation or a conversation in an office hallway. Transitory messages would include, but would not be limited to: E-mail messages with short-lived, or no administrative value, voice mail, self-sticking notes, and telephone messages.
RETENTION: Retain until obsolete, superseded or administrative value is lost.

TRAVEL RECORDS
This record series consists of records required to support reimbursement of expenses incurred during official travel.
RETENTION: 5 fiscal years.

UNCLAIMED PROPERTY RECORDS
This record series consists of forms required by the State Comptroller's Office for the registration of abandoned tangible or intangible property. These forms are required under Chapter 717 of the Florida Statutes. The judicial branch entity holding the unclaimed property is to maintain a list of the specific type of property, amount, name, and last known address of the owner.
RETENTION: 5 years after the property becomes reportable.

UNEMPLOYMENT COMPENSATION RECORDS
This record series consists of reports submitted to the State on a quarterly basis stating the name of each employee, employee number, amount of wages paid during quarter subject to unemployment benefits, social security number, number of weeks covered and other pertinent information which is retained by the State for determination of unemployment benefits due to applicants for same. Also includes, receipts and statements of charges.
RETENTION: 5 fiscal years.

VEHICLE ACCIDENT REPORTS
This record series consists of reports of employees that are involved in accidents in a judicial branch entity vehicle or in their own vehicle during the course of official business. See also "VEHICLE RECORDS."
RETENTION: 4 anniversary years.

VEHICLE RECORDS

This record series consists of all pertinent records pertaining to each vehicle owned by the judicial branch entity. The records usually consist of the vehicle registration papers, copy of the title, inspection information, maintenance agreements, credit card information, confidential tag issuance information and any other information relating to the vehicle. See also "VEHICLE ACCIDENT REPORTS."
RETENTION: 1 year after disposition of vehicle.

VENDOR FILES
This record series consists of vendor invoices for items purchased or leased, received and paid for.
RETENTION: 3 years.

VISITOR LOGS
This record series consists of records documenting employees' and visitors' entrance into a judicial branch entity's building during and after office hours. See also "KEY AND BADGE ISSUANCE RECORDS."
RETENTION: 30 days.

WIRE AND ORAL COMMUNICATIONS: APPLICATIONS, ORDERS AND AUDIO RECORDINGS
This record series consists of applications for an order authorizing the interception of a wire or oral communications and orders granted pursuant to Chapter 934, Florida Statutes. Also included are original recordings of the contents of any wire or oral communication made pursuant to Section 934.09, Florida Statutes. They shall not be destroyed except upon an order of the issuing or denying judge, or that judge's successor in office, and in any event shall be kept for ten (10) years.
RETENTION: 10 years (upon permission of the Court).

WITNESS SUBPOENAS/LISTS
This record series consists of subpoena lists that may be used to establish witness payments.
RETENTION: 3 years.

WORK ORDERS

This record series consists of information reflecting the individual history of major or minor maintenance or services requiring a work order request. Work order includes dates, locations, cost of labor, hours worked, equipment cost per hour, material used and cost, and other pertinent details. This item does not include equipment maintenance records. See also "EQUIPMENT/VEHICLE MAINTENANCE RECORDS."
RETENTION: 3 years.

WORK SCHEDULES
This record series consists of any scheduling documentation for shift or part time employees. These records may include hours scheduled to work, the switching of hours with another employee, the location or route of work assignment, and anticipated starting and ending times.
RETENTION: 1 year.

WORKERS' COMPENSATION RECORDS
This record series consists of the first report of injury and the employer's supplemental reports including, if used, OSHA Form No. 200 as well as its predecessor forms No. 100 and 102 and OSHA Form No. 101. These records are created pursuant to Florida Statutes Section 440.09 and OSHA standards 1904.2, 1904.4, and 1904.5.
RETENTION: 5 years.

(Retention Schedule Revised 1-6-11)