

**THE ELEVENTH JUDICIAL CIRCUIT  
MIAMI-DADE COUNTY, FLORIDA**

**CASE NO. 17-1  
(Court Administration)**

**ADMINISTRATIVE ORDER  
NO. 17-02**

**IN RE: ESTABLISHING CERTAIN  
FILING AND OTHER PROCEDURES  
IN THE CIRCUIT APPELLATE  
DIVISION, TO INCLUDE EMAIL  
SERVICE OF COURT DOCUMENTS  
AND E-FILING BY REGISTERED  
USERS OF FLORIDA COURTS E-  
FILING PORTAL; ELECTRONIC  
FILING OF APPELLATE RECORDS;  
ELECTRONIC FILING OF  
APPENDICES; AGREED  
EXTENSIONS OF TIME FOR FILING  
BRIEFS; UTILIZATION OF COURT  
REPORTERS; AND ELECTRONIC  
MEDIA AND STILL PHOTOGRAPHY  
COVERAGE**

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**WHEREAS**, Local Rule R-3-1 created the Appellate Division of the Eleventh Judicial Circuit of Florida (Appellate Division) and therein prescribed that three-judge panels hear all appellate cases; and

**WHEREAS**, pursuant to Administrative Order No. 82-22, certain writs (i.e., prohibition, mandamus and habeas corpus) are not to be heard by the Appellate Division; rather such writs should be filed as an original action in the respective Circuit Court Division corresponding to the respective County Court Division; and

**WHEREAS**, the Appellate Division seeks to adopt various procedures which are currently in use in the Third District Court of Appeal; and

**WHEREAS**, accordingly, this Administrative Order hereby establishes procedures which will streamline the grant of extensions to time; provides guidance for litigants who wish to bring court reporters to Circuit Appellate oral arguments; prescribes that the guidelines for electronic media and still photography coverage of proceedings in the Appellate Division shall be in accordance with existing, Florida Rules of Appellate Procedure, Florida Rules of Judicial Administration and Administrative Orders; provides

procedures in the Appellate Division for email service of court documents and e-filing by registered users of the Florida Courts E-Filing Portal; and provides procedures for the e-filing of appellate records and appendices in the Appellate Division; and

**WHEREAS,** the Florida Supreme Court promulgated certain standards of conduct and technology for public judicial proceedings;

**NOW, THEREFORE,** pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida by Rule 2.215, Florida Rules of Judicial Administration, it is hereby **ORDERED** as follows:

**A. Email Service of Court Documents and E-Filing by Registered Users of the Florida Courts E-Filing Portal**

- (1) Electronic Filing on the Florida Court's E-Filing Portal (Portal) shall be as prescribed by the Portal for all other divisions of the Court and in accordance with this Circuit's Administrative Order No 17-02. It is the responsibility of the filer to safeguard his or her username and password to prevent unauthorized filings. Any electronic filings received via the filer's username are presumed to have been submitted by the filer. Submission of a document to the Portal by a registered attorney will constitute a notice of appearance in the case by that attorney if an appearance in the case has not previously been made.
- (2) In accordance with Florida Rule of Judicial Administration 2.515, all documents filed with the Court must contain the name of the attorney of record, along with the current Florida Bar number, address, telephone number, including area code, primary email address and secondary email address, if any. Documents filed electronically with the Court shall not contain an original signature. The filer should sign the document using "/s" followed by the filer's name, which signifies that the filer has read the document and confirms the filer's intent that the filing be accepted by the Court. The filer agrees that submitting the document for electronic filing creates the same good faith obligations as the original signature creates on a paper document.
- (3) Documents are required to contain a certificate of service, pursuant to Florida Rule of Appellate Procedure 9.420 in the form prescribed by Florida Rule of Judicial Administration 2.516(f), as amended. Thus, if a document is served on the opposing side by email or some other electronic means, the certificate of service must state the electronic means used as well as the date of service. Electronic filings which do not contain a certificate of service may be rejected.
- (4) The date of filing of an electronic document shall be the date it is electronically received by the Court up to 11:59 p.m., Eastern Time, on that

date. Any filing on or after midnight will be deemed to have been filed the next business day. Filings on a weekend, holiday or any day the Court is closed will be deemed to have been filed on the next business day. Filers should leave a sufficient top margin on the first page to accommodate the Court's time/date stamp. Filers must submit documents so that they are properly oriented to be read without needing to be rotated. After a document has been electronically filed through the Portal, confirmation will be automatically emailed to the filer at the filer's registered email address confirming receipt by the Court.

- (5) Any document filed by an attorney or a pro se party must have all confidential material redacted. Only the redacted document should be filed. See Florida Rules of Judicial Administration 2.420 and 2.425.
- (6) Failure to comply with this Administrative Order may result in the filing being stricken and the case being dismissed or the filing being stricken and submission of the case to the Court without the benefit of the filing. If, for any reason, a party is unable to comply with this Administrative Order, counsel must file a motion as a separate document with the paper original brief or document setting forth the reasons counsel cannot comply and requesting a hardship exception.

**B. Electronic Filing of Appellate Records**

- (7) Effective October 6, 2017, the County Court Divisions in Miami-Dade County, in lieu of paper records, shall prepare and submit records on appeal to the Appellate Division electronically. Paper copies of the record must be served on the parties as specified by the Florida Rules of Appellate Procedure unless the parties agree to accept an electronic copy or until electronic copies are required to be served on the parties by Florida Rule of Judicial Administration 2.516.
- (8) The submission of records on appeal electronically must be made in Adobe portable document format (pdf) and in accordance with this Court's procedures for filing electronic records through the Court's FTP server. The record must be properly indexed and bookmarked or hyperlinked and fully searchable. The electronic record shall be compiled in the format specified by Florida Rule of Appellate Procedure 9.200 and shall include an index, a copy of the lower court, lower tribunal, or state agency progress docket and a certification page containing a scanned or electronic copy of the Clerk of the Courts ("Clerk") certification. The Clerk's certification should contain the Clerk's name, address, phone number and email address. The Clerk shall redact the document in compliance with Florida Rule of Judicial Administration 2.420(d), and the documents contained in the record on appeal shall be the redacted version. A party may file a motion in the Appellate Division for the inclusion of the unredacted version of a document in

the record on appeal, respecting the confidentiality of such documents as required under Florida Rule of Judicial Administration 2.420. With the exception of sealed or confidential records, all volumes of the record on appeal being submitted to the Court electronically must be included in the same document, except as limited by the FTP server.

Electronic records must be complete and readable. Lower tribunal, lower court and state agency clerks may be required to re-send an electronic record if it is missing pages, missing volumes, is not properly indexed or hyperlinked or if portions of the record are unreadable.

(9) The standard naming conventions which must be used are:

**YYYY-123456-AP-01 or YYYY-123456-AC-01**

(a) *Multiple Volume Record.* If a multiple volume record requires more than one pdf document, each pdf shall be consecutively numbered by placing a numeral after the word “record” in the name.

(b) *Supplemental Record.* Subsequently filed volumes of supplemental record must be transmitted as separate documents using the naming convention. Additional supplemental records should be numbered consecutively.

(c) *Confidential and Sealed Records.* Confidential and sealed records must be submitted in pdf document separate from any other portion of the record also being electronically filed with the Court. Sealed or confidential records should be combined and submitted as a separate pdf file and named using the naming convention.

(10) If a record on appeal contains transcripts, those should be electronically filed with record on appeal and not as a separate pdf file.

(11) A copy of the index to all volumes of the record must be contained at the beginning of the record. Summary records shall also be indexed and bookmarked or hyperlinked and sent separately from the Notice of Appeal.

Electronic records containing known confidential information must be marked on the cover page and, if possible, the specific documents containing the confidential information should be marked on the index to the record. Transmittal letters are not permitted to be filed electronically or in paper with the record on appeal.

- (12) The date of filing an electronic record shall be the date it is actually received by the Court up to 11:59 p.m., Eastern Time, on that date. Any record e-filed at or after midnight will be deemed to have been filed on the next business day. Electronic filings made on a weekend, a holiday or any other day the Court is closed will be deemed to be filed on the next business day.
- (13) Paper exhibits (including photographs) should be indexed, scanned, and transmitted electronically. To be viewable electronically, pictures should be scanned in color, if possible, or, if not, then in grayscale. If a party wishes to request that the actual exhibits or physical evidence be sent to the Court with the record on appeal, that party shall file a motion specifically addressing the need for the Court to receive the designated exhibits and justify why the filing of the physical evidence or exhibits is necessary.

**C. Electronic Filing of Appendices**

- (14) Effective as of the effective date of this Administrative Order any appendix filed electronically with the Court shall comply with this Administrative Order.
- (15) The electronic submission of an appendix with a petition, brief, motion, response or reply must be made in Adobe portable document format (pdf) and in accordance with this Court's procedures for electronic filing. The appendix must be properly indexed and either bookmarked or hyperlinked and fully searchable. All appendices shall be in compliance with Florida Rules of Judicial Administration 2.420 and 2.425. Filers may be required to resend an electronic appendix if it is missing pages, missing volumes, is not properly indexed, bookmarked or hyperlinked, or if portions of the record are unreadable.
- (16) The electronically filed index and appendix shall be filed as one document but shall be filed separately from the petition, brief, motion, response or reply.

**D. Agreed Extensions of Time for Filing Briefs**

- (17) Effective immediately, a party who has obtained the agreement of opposing counsel to a specific extension of time for the filing of an initial,

answer or reply brief may file a notice of an extension of time in lieu of a motion seeking an extension of time, pursuant to Florida Rule of Appellate Procedure 9.300(a). The notice shall be in substantially the form prescribed below:

**The undersigned (Appellant/Appellee) or counsel for (Appellant/Appellee) has agreed with (Appellant/Appellee) or counsel for (Appellant/Appellee) that the time for serving (Appellant/Appellee's) (initial, answer or reply brief) may be extended for \_\_\_\_\_ days to (date).**

- (18) An agreed notice of extension of time will be accepted for an aggregate total of 120 days for an initial or answer brief and 30 days for a reply brief. The notice must be signed by the party filing it but need not be signed by the other parties. No order will issue from the Court upon receipt of the notice.
- (19) Any extensions in the aggregate beyond 120 days for initial or answer briefs and 30 days for reply briefs, whether agreed upon or not, must be made by motion to the Court.

**E. Court Reporters**

- (20) A party who desires to bring a court reporter to an oral argument must seek permission from the Court by motion at least ten days before the date of the oral argument. The Presiding Judge of the panel which will hear the oral argument shall grant or deny the motion in his or her discretion.

**F. Electronic media and still photography coverage.**

- (21) Electronic media and still photography coverage of public proceedings in the Appellate Division shall be allowed in accordance with the standards of conduct and technology promulgated by the Supreme Court of Florida, and effectuated pursuant to Florida Rule of Judicial Administration 2.450 and this Court's Administrative Order Nos.: 00-05, 07-02, 07-02 A1 and 08-11.

**G. Effective Date.**

This Administrative Order shall take effective immediately upon execution unless as otherwise specifically provided in certain provisions herein and shall remain in effect until further order of the Court.

**DONE AND ORDERED** in Chambers at Miami-Dade County, Florida, this 1<sup>st</sup> day of August, 2017.

**BERTILA SOTO, CHIEF JUDGE  
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA**