

## SERVICE OF PLEADINGS, ORDERS AND DOCUMENTS BY E-MAIL - AMENDMENTS TO THE FLORIDA RULES OF JUDICIAL ADMINISTRATION AND FLORIDA RULES OF CIVIL PROCEDURE

On June 21, 2012 (original opinion issued June 21, 2012 followed by a correction opinion filed June 26, 2012), the Florida Supreme Court adopted new rules within the Florida Rules of Judicial Administration, and the Florida Rules of Civil Procedure, amongst several other Florida court rules. The amendments deal with the service of pleadings and papers via e-mail, and contain strict parameters within which this is to be accomplished. There are also limited exceptions set forth within the amendments. The amendments to the foregoing will become effective September 1, 2012 at 12:01 a.m.

**Set forth below is a summary of the new Florida Rule of Judicial Administration 2.516, and revised Rule 2.515.** It is important to note that Florida Rule of Civil Procedure 1.080 (now titled "Service of Pleadings, Orders and Documents") has been revised so that it now reads, "Every pleading subsequent to the initial pleading and every other document filed in the action must be served in conformity with the requirements of Florida Rule of Judicial Administration 2.516."

- (1) Every pleading subsequent to the initial pleading and every other document filed with the court must be served in accordance with the rule by e-mail (except witness subpoenas and documents served by formal notice).
- (2) All documents required or permitted to be served on another party **MUST** be served by e-mail unless otherwise provided in the rule.
- (3) Upon appearing in a proceeding, an attorney must serve a designation of a primary e-mail address, and may designate no more than 2 secondary e-mail addresses.
- (4) 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 requirements of e-mail service. If the attorney is excused, the service must be made as set forth in subdivision (b)(2) which provides for mail and "delivery" requirements.
- (5) A pro se party may also serve designations of email addresses to which service by e-mail must be directed. Otherwise, service must be made upon such parties as set forth in subdivision (b)(2) which provides for mail and "delivery" requirements.
- (6) Service by e-mail is complete when it is sent.
- (7) For the purpose of computing time, email service is treated as service by mail.
- (8) Format and Signature Block
  - (a) Subject line must contain the following: "SERVICE OF COURT DOCUMENT" in all capital letters, and the Case Number

- (b) Body of the Email must contain:
    - (i) the Court where the proceeding is pending
    - (ii) the Case Number;
    - (iii) the Name of the Initial Party on each side;
    - (iv) the Title of Each Document served;
    - (v) the Sender's Name and Telephone Number.
  
  - (c) Signature Format: The document served by email may be signed by using "/s/" format as long as the filed original is signed in accordance with applicable rule of procedure.
  
  - (d) Size Limit:
    - (i) 5MBs including the size of the e-mail and the attachment.
    - (ii) If it exceeds that limit, it must be divided and sent in separate emails.
    - (iii) If divided, the emails must be sequentially numbered.
  
  - (e) Certificate of Service: "I certify that a copy hereof has been furnished to (here insert name or names and addresses used for service) by (e-mail) (delivery) (mail) (fax) on ... (date) ..."
  
  - (f) Signature Block: The signature block must contain the designated primary email address and the secondary email addresses, if any. (Fla. R. Jud. Admin. 2.515)
- (9) Lastly, subdivision (b)(2) of the rule provides that service may be made upon attorneys by mailing or delivery a copy as set forth in that subdivision. However, this is in addition to and not in lieu of electronic service.

To read the entire Florida Supreme Court opinion, [click here](#).