

FIFTH DISTRICT COURT OF APPEAL, STATE OF FLORIDA
300 South Beach Street, Daytona Beach, FL 32114
August 14, 2012

**ADMINISTRATIVE ORDER RE: E-MAIL SERVICE OF COURT DOCUMENTS AND
E-FILING BY REGISTERED USERS OF eDCA
AO5D12-03 (AMENDED)¹**

- 1) **Electronic Service of Court Orders and Opinions.** Beginning September 1, 2012, the court will serve all acknowledgment letters, orders, opinions and mandates through its eDCA Case Mail (e-mail) service. To receive documents electronically from the court, an attorney or self-represented party must be registered with the court and have received a confirmation email that the registration has been accepted. One may register at <https://edca.5dca.org> or the court's website, www.5dca.org. Registered users are responsible for keeping their email addresses with the court up-to-date.
 - (a) Until October 1, 2012, the court will send both paper and e-mail documents.
 - (b) Beginning October 1, 2012, service of all letters, orders, opinions and mandates will be by e-mail **only** except to self-represented parties who are not registered and attorneys who have requested and obtained a hardship waiver from the court. Self-represented parties who are not registered with eDCA and attorneys who have obtained a hardship waiver will continue to receive all orders, opinion and mandates of the court on paper through the United States Postal Service.
- 2) **Electronic Filing of Documents with the Court.** Beginning September 1, 2012, registered users may use the eDCA secure portal to electronically file the following documents:
 - Docketing statements (using the form found on eDCA);
 - Notices of appearance;
 - All briefs in appeals under Rules 9.110, 9.130, 9.140, 9.145, 9.146 and 9.160;
 - All petitions, responses and replies under Rule 9.100 and any appendices thereto;
 - All responses to orders from this Court;
 - All motions for rehearing or relief under Rules 9.330 and 9.331

together with any motions to amend any of those documents in accordance with

¹ This Administrative Order was originally entered on August 13, 2012 and amended August 14, 2012.

paragraph 7 hereof. Until further order of this court, only these documents will be accepted through eDCA.

(a) Until September 30, 2012, filings of these documents may be made either electronically or on paper, but no document should be filed using both methods. If a document is filed on paper, compliance with the email requirement of AO5D08-01 is still required. If duplicate filings are made both on paper and electronically, the version of the document received by the court first will be used to determine the date of filing and the subsequent filing will either be rejected (if electronic) or discarded (if paper).

(b) **Beginning October 1, 2012, electronic filing of these documents is mandatory** and these documents will no longer be accepted on paper or by email except from attorneys who have requested and received a hardship waiver and self-represented parties. The specific requirements for electronic filing may be found on the court's website along with other helpful information about how to use eDCA. Documents that do not comply with the filing requirements will be rejected.

- 3) In accordance with Florida Rule of Judicial Administration 2.515, as amended, every pleading and other paper 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. Pleadings filed electronically with the court are not required to contain an original signature. If no original signature is present, the filer should sign the document using "/s/" followed by the filer's name, which signifies that the filer has read the pleading 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.
- 4) Pleadings 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 pleading 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.
- 5) The requirement of Florida Rule of Appellate Procedure 9.210(g) to file multiple copies of briefs is dispensed with for briefs that are filed electronically.
- 6) The date of filing 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.

- 7) Once an electronic document has been submitted to the court through eDCA, it becomes a filing with the court. Court filings will be docketed in the case after processing by the clerk's office during regular business hours unless the electronic filing is rejected as deficient. If the filer discovers after submitting the document that there is a mistake, he or she must submit an amended filing, as well as a motion requesting that the court accept the amended filing.
- 8) Letters and correspondence addressed to the court or the clerk of the court, other than the transmittal form required to be submitted with notices of appeal are not permitted to be filed electronically and may not be included with electronic filings.
- 9) **This order rescinds and supersedes Administrative Order AO5D08-01 dated June 10, 2008.**

DONE AND ORDERED at Daytona Beach, Florida on August 14, 2012.




Richard B. Orfinger
Chief Judge

ATTEST:


Pamela R. Masters
Clerk of Court

Copies to:

Hon. Mitch Needelman, Brevard County Clerk of the Court
Hon. Betty Strifler, Citrus County Clerk of the Court
Hon. Gail Wadsworth, Flagler County Clerk of the Court
Hon. Karen Nicolai, Hernando County Clerk of the Court
Hon. Neil Kelly, Lake County Clerk of the Court
Hon. David R. Ellspermann, Marion County Clerk of the Court
Hon. Lydia Gardner, Orange County Clerk of the Court
Hon. Kimberly Hennecey, Osceola County Clerk of the Court
Hon. Tim Smith, Putnam County Clerk of the Court
Hon. Cheryl Strickland, St. Johns County Clerk of the Court
Hon. Maryanne Morse, Seminole County Clerk of the Court
Hon. Gloria R. Hayward, Sumter County Clerk of the Court
Hon. Diane M. Matousek, Volusia County Clerk of the Court
Trial Court Administrators - David Trammell, Fifth Circuit;
Mark Weinberg, Seventh Circuit; Matthew Benefiel, Ninth
Circuit; Mark Van Bever, Eighteenth Circuit
Fifth District Court of Appeal Judges



DISTRICT COURT OF APPEAL, FIFTH DISTRICT
300 S. Beach Street
Daytona Beach, Florida 32114

NOTICE OF APPEAL TRANSMITTAL FORM

(TO BE COMPLETED BY LOWER COURT, LOWER TRIBUNAL, OR STATE AGENCY CLERKS OR DEPUTY CLERKS AND SUBMITTED ELECTRONICALLY CONTEMPORANEOUSLY WITH AND IN A SEPARATE FILING FROM THE CERTIFIED ELECTRONIC NOTICE OF APPEAL)

Lower Court/Tribunal/State Agency:

Appellant

v.

L.T. Case No. : _____

Appellee

hereby certify the following (mark as applicable):

A notice of appeal was filed in this court/tribunal/state agency on _____ (date). A certified electronic copy of the notice of appeal has been electronically filed with the 5th DCA's electronic portal eDCA.

The copy of the order being appealed filed with this notice of appeal is being electronically filed through eDCA along with the certified notice of appeal, as a separate document.

All appellate filing fees tendered with the notice of appeal will be immediately separately forwarded to the 5th DCA.

The filing fee in this case is waived as the appellant was found to be insolvent. An electronic copy of the insolvency order has been electronically filed in a separate document through eDCA contemporaneously with the certified notice of appeal.

No appellate filing fee in this case has been tendered to the lower court/tribunal/ state agency.

This is a case (such as a summary rule 3.800/3.850/3.853) in which the record on appeal is required to be filed with the 5th DCA at the same time as electronically filing the certified notice of appeal. A certified electronic copy of the record on appeal will immediately be or has already been electronically filed using the 5th DCA's FTP procedures.

Lower Court / Tribunal/State Agency Clerk
Address
Telephone Number
Email Address

Deputy Clerk