

Supreme Court of Florida

CORRECTED OPINION

FILE COPY

No. 74,700

IN RE: AMENDMENT TO THE FLORIDA
RULES OF JUDICIAL ADMINISTRATION,
RULE 2.055 (PAPER SIZE)

ON MOTION FOR CLARIFICATION

[JANUARY 18, 1990]

PER CURIAM.

We grant the motion for clarification filed by Richard P. Brinker, as Clerk of the Circuit Court, Eleventh Judicial Circuit, to the extent addressed below. The motion is denied as to all matters not addressed herein.

Rule of Judicial Administration 2.055, as adopted by this Court in our opinion of October 19, 1989, does not apply to those instruments and documents presented to the clerk of the circuit

court in his capacity as county recorder under section 28.222, Florida Statutes (1987); nor does the rule apply to matters submitted to the clerk in his capacity as ex officio clerk of the board of county commissioners under article VIII, section (1)(d), Florida Constitution. A paragraph is added to the appended comment to rule **2.055** to reflect this intent.

It is so ordered.

EHRLICH, C.J., and OVERTON, McDONALD, SHAW, BARKETT, GRIMES and KOGAN, JJ., Concur

COMMENT

Rule 2.055 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 one-year transition period from the effective date of January 1, 1990 to January 1, 1991 during which time filings which traditionally have been accepted on legal-size paper will be accepted on either legal- or letter-size paper. The one-year transition period was provided to allow for the depletion of inventories of legal-size paper and forms. The one-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 one-year transition period of subdivision (e), filings which 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 his capacity as ex officio clerk of the board of county commissioners pursuant to article VIII, section (1)(d), Florida Constitution.

Original Proceeding - Florida Rules of Judicial Administration

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for Petitioner