

IN THE SUPREME COURT OF FLORIDA

**IN RE: AMENDMENTS TO THE
FLORIDA RULES OF JUDICIAL
ADMINISTRATION 2.516 AND 2.525**

CASE NO.: 16-

**TIME-SENSITIVE OUT-OF-CYCLE REPORT OF THE RULES OF
JUDICIAL ADMINISTRATION COMMITTEE**

Amy Singer Borman, Chair of the Rules of Judicial Administration Committee (“RJAC”), and John F. Harkness, Jr., Executive Director of The Florida Bar, file this time-sensitive out-of-cycle report, under Florida Rule of Judicial Administration 2.140(e). In response to the pending Florida Courts E-Filing Portal April 16, 2016, upgrade (*see* Appendix A), the Committee, in conjunction with the Florida Courts Technology Commission (“FCTC”), removed from Rule 2.516 (Service of Pleadings and Documents) and Rule 2.525 (Electronic Filing) specific document filing and service size limitations. With these proposed rule amendments, the FCTC is jointly filing a request that the Court amend the Florida Supreme Court Standards for Electronic Access to the Courts to include document filing and service size limitations (*see* Appendix C).

The proposed amendments were approved by the RJAC with a vote of 38-0 and The Florida Bar Board of Governors by a vote of 28-0. Due to the time-sensitive nature of these proposed amendments, the amendments were not advertised in *The Florida Bar News* for comments. The proposed amendments are submitted in full-page format (*see* Appendix A) and two-column format (*see* Appendix B).

The RJAC is currently reviewing all the rules of judicial administration to ensure that technology standards are addressed by the FCTC. Because this project may take over a year, and because the FCTC is requesting an increase in size for e-service and e-filing, the RJAC urges the Court to recognize this as a time-sensitive filing based on the April 16, 2016, update changes that will affect the size limitations of filings within the E-Filing Portal.

On February 19, 2016, the E-Filing Portal sent a message to all practitioners and users of the Portal detailing the April 16, 2016, system upgrade that will

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increase the document submission size from 25 MB to 50 MB. This upgrade of the Portal will also increase the e-service e-mail attachment size from 5MB to 10MB. (See Appendix D.)

These increases are a result of the FCTC's request and affirmative vote to increase the filing and service sizes. The request was reviewed by a joint RJAC and FCTC subcommittee that is analyzing the rules and standards to remove technical standards from the rules of procedure and procedure from the Court's technical standards.

Simultaneous with this joint subcommittee's progress, the technology managers of the E-Filing Portal were able to create and have ready for release the next upgrade that will include the approved increase in size. However, to ensure no user violations or rejections occur with this upgrade, the procedure and standards must be amended shifting the size limitations (which are standards) and replacing it with general language as procedures. Likewise, a request to have the standards amended will be filed. Specifically, these amendments will remove the 5 references to the technology size number and replace the numeric value with the term "the appropriate size limitations specified in the Florida Supreme Court Standards for Electronic Access to the Court."

The proposed amendments to Rule 2.516 (Service of Pleadings and Documents) and Rule 2.525 (Electronic Filing) will remove document sizes from the rules and guide filers to the Florida Court Technology Standards. Specifically, within Rule 2.516(b)(1)(E)(iv) "five megabytes (5MB) in size" will be removed. In Rule 2.525, subdivision (d)(5) "25 megabytes (25MB) in size" will be removed; in subdivision (f)(1)(B) "up to 25 megabytes (25MB) in size, or until e-filing has been fully implemented, accept facsimile transmissions of documents up to 10 pages in 3length" will be removed; and in subdivision (f)(1)(C) "25 megabytes (25MB) in size" will be removed. For all of these size specific deletions, "the appropriate size limitations specified in the Florida Supreme Court Standards for Electronic Access to the Court" will be substituted.

The RJAC assures the Court that there is no expected interruption of electronic document filings; this upgrade is merely to enlarge the acceptable filing and service sizes. However, once in place, the upgrade will result in *de facto* violations of the rules of court procedure; for this reason, the RJAC urges expedited consideration of this matter.

There is also a scrivener's error correction in Rule 2.516(b)(1)(E)(iii).

Respectfully submitted on March 24, 2016.

/s/ Amy Singer Borman

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CERTIFICATE OF SERVICE

A true copy of this Report with all Appendices has been served on the following person in conjunction with the filing through the Florida Courts E-Filing Portal on this 24th day of March 2016:

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CERTIFICATION OF COMPLIANCE

I certify that this rule was read against West's *Florida Rules of Court – State* (2015 Ed.).

I certify that this report was prepared in compliance with the font requirements of *Fla. R. App. P. 9.210(a)(2)*.

/s/ Krys Godwin

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