

RULE 3.030. SERVICE OF PLEADINGS AND PAPERS

(a) Service. Every pleading subsequent to the initial indictment or information on which a defendant is to be tried unless the court otherwise orders, and every order not entered in open court, every written motion unless it is one about which a hearing *ex parte* is authorized, and every written notice, demand, and similar document shall be served on each party in conformity with Florida Rule of Judicial Administration 2.516; however, nothing herein shall be construed to require that a plea of not guilty shall be in writing.

(b) Filing. All documents that are “court records” as defined in the Florida Rules of Judicial Administration must be filed with the clerk in accordance with Florida Rules of Judicial Administration 2.520 and 2.525.

(c) Deposit with the Clerk. Any paper document that is a judgment and sentence or required by statute or rule to be sworn to or notarized shall be filed and deposited with the clerk immediately thereafter. The clerk shall maintain deposited original paper documents in accordance with Florida Rule of Judicial Administration 2.430, unless otherwise ordered by the court.

Committee Notes

1968 Adoption. Taken from the Florida Rules of Civil Procedure.

1972 Amendment. Same as prior rule; (a) amended by deleting reference to trial on affidavit.

2000 Amendment. Fraudulent manipulation of electronically transmitted service should be considered contemptuous and dealt with by appropriate sanctions by the court.

Editor’s Note

On October 18, 2012, the Supreme Court of Florida issued a revised opinion in case number SC11-399, which was originally issued on June 21, 2012. See *In re Amendments to the Florida Rules of Judicial Administration*, 102 So. 3d 451(Fla. 2012). The opinion provides in relevant part:

“First, the new electronic filing requirements the Courts adopts will become effective in the civil, probate, small claims, and family law divisions of the trial courts, as well as for appeals to the circuit courts in these categories of cases, on April 1, 2013, at 12:01 a.m., except as may be otherwise provided by administrative order. Electronic filing will be mandatory in these divisions pursuant to rule 2.525 on that date. However, until the new rules take effect in these divisions, any clerk who is already accepting documents filed by electronic transmission under the current rules should continue to do so; attorneys in these counties are encouraged to file documents electronically under the current rules.

“Next, the new electronic filing requirements the Court adopts will become effective in the criminal, traffic, and juvenile divisions of the trial courts, as well as for appeals to the circuit court in these categories of cases, on October 1, 2013, at 12:01 a.m., except as may be otherwise provided by administrative order. Electronic filing will be mandatory in these divisions under rule 2.525 on that date. The new e-filing requirements, as they apply in

proceedings brought pursuant to the Florida Mental Health Act (Baker Act), Chapter 394, Part I, Florida Statutes, and the Involuntary Commitment of Sexually Violent Predators Act (Jimmy Ryce), Chapter 394, Part V, Florida Statutes, will also not be mandatory in these cases until October 1, 2013. As stated above, until the new rules take effect in these divisions and proceedings, any clerk who is already accepting electronically filed documents under the current rules should continue to do so; attorneys are again encouraged to utilize existing electronic filing procedures under the current rules.

“However, until the new rules and procedures take effect in the district courts, any clerk who is already accepting documents filed by electronic transmission may continue to do so; attorneys in these districts are encouraged to file documents electronically. Clerks will not be required to electronically transmit the record on appeal until July 1, 2013, at 12:01 a.m. Until July 1, we encourage clerks, whenever possible, to electronically transmit the record under the new rules and requirements.

“(W)e note that, in all types of cases, pursuant to amended rule 2.525(d) self-represented parties and self-represented nonparties, including nonparty governmental or public agencies, and attorneys excused from e-mail service under Florida Rule of Judicial Administration 2.516 will be permitted, but nor required, to file documents electronically.

By order of November 28, 2012, in case number SC11-399, the Court released a revised implementation schedule, which provides, in pertinent part: “The e-filing rules adopted in the October 2012 opinion will be mandatory in this (Supreme) Court on February 27, 2013, at 12:01 a.m.; and effective earlier on a voluntary basis as will be indicated by further administrative order of the chief justice.

“Thereafter, the e-filing rules will be mandatory in the Second District Court of Appeal on July 22, 2013, at 12:01 a.m.; in the Third District Court of Appeal on September 27, 2013, at 12:01 a.m.; in the Fourth District Court of Appeal on October 31, 2013, at 12:01 a.m.; in the Fifth District Court of Appeal on November 27, 2013 at 12:01 a.m.; and in the First District Court of Appeal on December 27, 2013, at 12:01 a.m., unless made mandatory earlier by the chief judge of the applicable district court of appeal. The e-filing rules will be effective earlier on a voluntary trial basis in the district courts of appeal as will be indicated by further administrative order by the chief judge of the applicable district court.”